

## Section 1. Introduction & Definitions

### How to Use the FBC-EF

Look at the **REGULATING PLAN** to determine if property is located within the East Frederick Form-Based Code District (FBC-EF).

#### If no:

These standards are not applicable.

#### If yes:

#### I want to know what I can do with my property:

1. Find the specific property in question on the **REGULATING PLAN**. Identify the **REQUIRED BUILDING LINE** and the **PARKING SETBACK LINE**. The color of the fronting **STREET-SPACE** determines the applicable **BUILDING FORM STANDARD** (you will find these in the key located on the **REGULATING PLAN**).
2. Find the applicable **BUILDING FORM STANDARD** in *Section 3. Building Form Standards*. The standards in *Section 3.1 General Provisions* apply to all properties in the FBC-EF. The **BUILDING FORM STANDARD** describes the parameters for development on the site in terms of building placement, height, elements, and use.
3. Additional regulations regarding architecture, streets and other public spaces, parking requirements, and allowed building uses are found in *Sections 4 to 7*.
4. See *Section 8 Administration* for information on the development review process.

#### I want to modify an existing building:

Determine whether your intended changes would trigger a level of code compliance by looking at *Section 3 Building Form Standards* and *Section 8, Non-Conformities*.

If yes, follow the process delineated there (and the indicated portions of steps 2-4, above).

#### I want to establish a new use in an existing building:

Find the property on the **REGULATING PLAN** and determine the applicable **BUILDING FORM STANDARD**. Determine whether the use is allowed by looking at the Use Table in *Section 7*. If the use is listed with a cross-reference in the right-hand column, refer to those specific performance standards.

#### I want to subdivide my property:

Development proposals require delimited lots. In many cases this will involve the subdivision of larger tracts into developable lots.

Property may be subdivided in accordance with the standards of *Sections 2 to 7*.

#### Note that:

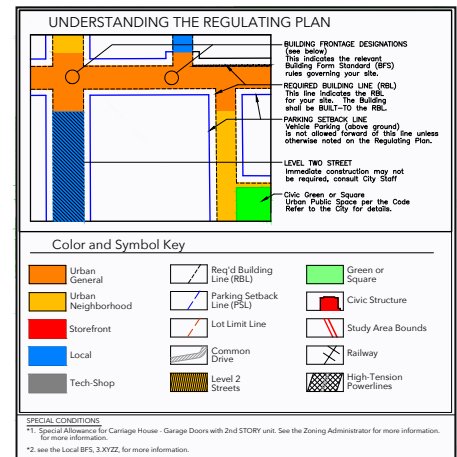
Certain terms in this Code are used in specific ways, often excluding some of the meanings of common usage. Wherever a word is in **SMALL CAPITALS** format, consult *Section F. Key Concepts* and this *Section G Definitions* (below) for its specific and limited meaning within the East Frederick Form-Based Code.

**In this Code, illustrations convey intent and are not regulatory, but diagrams are an integral part of the regulations.**

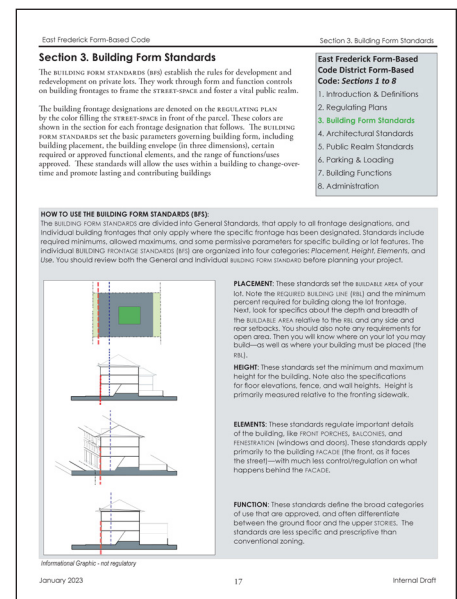
### East Frederick Form-Based Code: Sections 1 to 8

#### 1. Introduction & Definitions

2. Regulating Plans
3. Building Form Standards
4. Architectural Standards
5. Public Realm Standards
6. Parking & Loading
7. Building Functions
8. Administration



#### REGULATING PLAN Key



#### BUILDING FORM STANDARDS, page 1

## A. Purpose & Intent

This section establishes the East Frederick Form-Based Code District (FBC-EF). *Sections 2 through 7* provide the rules for development in these districts.

This code is established to implement the *CommUNITY 2030 Strategic Plan*, the *2020 Comprehensive Plan*, the *East Street Corridor Small Area Plan*, and the *East Frederick Vision Plan*. It focuses on community character and placemaking, through an emphasis on development character, intensity, and physical form and patterns, rather than solely on land uses. This code emphasizes the relationship between private development and the public realm to promote an overall sense of place within the East Frederick Form-Based Code District while allowing a wide variety of land uses. The East Frederick Form-Based Code District is intended to be a model of sustainability, employing smart planning and technologies for solar gain and generation, storm-water management and enabling walking and bicycling as transportation alternatives to the automobile.

The East Frederick Form-Based Code District is a defined geographic area in a specific location that accommodates a mix of uses—either within the same building, on the same parcel, or within close proximity—in a pedestrian-oriented, transit-supportive, compact, walkable form. The FBC-EF is intended to create traditional urban design.

The FBC-EF establishes requirements related to form, character and function that will promote compatible redevelopment and create an environment where people can live, work, learn, worship, and relax within a compact walkable setting. The standards foster a system in which buildings are oriented toward the street or public realm, and organized around perimeter BLOCKS with rear lot service access via COMMON DRIVES.

## B. Organization

The FBC-EF is mapped by a REGULATING PLAN and divided into building frontages. Each building frontage is defined primarily by a common scale, character, and intensity, rather than by a use category (although uses are lightly regulated).

The FBC-EF regulations include a set of BUILDING FORM STANDARDS that establish a hierarchy of building forms, with a scale and intensity tailored for their location. The goal of the BUILDING FORM STANDARDS is to create a vital and coherent public realm through the definition and shape of the STREET-SPACE.

The regulations on building forms are applied at the parcel level and put primary emphasis on the building frontage—the relationship between the building and the STREET-SPACE. The regulations work together to frame the PUBLIC REALM.

The BUILDING FORM STANDARDS are tailored to the desired physical and functional context of each location, using a range of scales and intensities, as identified by the FBC-EF REGULATING PLAN.



Vision: A view up East Street



Vision: Village Green



Vision: Village Green





Vision: Monocacy Village as a Gateway



Vision: Monocacy Village Square



Vision: New Buildings fronting East Street

### C. Applicability and Intent

1. The REGULATING PLAN is the official zoning map for East Frederick Form-Based Code District.
2. The Code is in effect for that part of the City of Frederick, Maryland, designated on the Official Zoning Map as the East Frederick Form-Based Code District (FBC-EF)
3. Where the REGULATING PLAN is shown on the zoning map, these standards immediately apply.
4. The process for developing or redeveloping within FBC-EF is explained in *Section 8* and the City's Land management Code, including sections 306 and 309.
5. The REGULATING PLAN establishes and guarantees the interconnected network of small blocks and walkable/pedestrian oriented streets in accordance with the City Plan.

### D. Other Applicable Regulations

The FBC-EF is Chapter 424 of the Frederick Land Management Code. The regulations in each section of the FBC-EF shall apply to development on land included in the REGULATING PLAN. When conflicts exist between the provisions of the FBC-EF and the other sections of the Frederick Land Management Code, or other existing ordinances, the FBC-EF standards shall take precedence when related to the Building Form Standards, Architectural Standards, Public Realm Standards, Parking and Loading Standards, and Functions (uses), unless in conflict with State or Federal law. Local wetland and resource codes are not overridden by the FBC-EF.

### Minimum Requirements

In interpreting and applying the provisions of the FBC-EF, these are the minimum requirements for development under this Code.

### E. Components

The East Frederick Form-Based Code District standards are included in the following sections:

1. *Section 1 Introduction & Definitions* provides instructions on the use and organization of the FBC-EF. The *Definitions* subsection includes those terms that are used in the regulations in specific ways, often excluding some of the meanings of common usage. Wherever a word is in SMALL CAPITALS format, consult *F. Key Concepts*, or *G. Definitions* below for its specific and limited meaning. Words used but not defined in the FBC-EF, but that are defined elsewhere in the Frederick Land Management Code, have the meanings set forth therein.
2. *Section 2 Regulating Plans*: The REGULATING PLAN is the zoning map for the FBC-EF. The REGULATING PLAN provides specific information on the rules for development within each parcel. The REGULATING PLAN makes the development standards place-specific by designating the BUILDING FORM STANDARD building frontages and delineating the public spaces.

The REGULATING PLAN identifies: the boundaries for the FBC-EF; existing and new streets; the REQUIRED BUILDING LINE; and

the PARKING SETBACK LINE throughout the FBC-EF; and may identify additional regulations and/or special circumstances for specific locations.

3. *Section 3 Building Form Standards* sets out the rules for building placement, scale, and massing that control how buildings frame and relate to the STREET-SPACE and/or public realm. The BUILDING FORM STANDARDS establish the parameters for development on each site in terms of building placement, height, elements, and uses.
4. *Section 4 Architectural Standards* provide parameters for a building's exterior elements, with an emphasis on their FACADES. These standards govern materials, configurations, and techniques for development under all BUILDING FORM STANDARDS. They are established in order to ensure a coherent and high-quality building character that is complementary to the best traditions of Frederick and the region. **Properties within the Historic District are not governed by this section.**
5. *Section 5 Public Realm Standards* include standards for the public realm: streets, STREET TREES, CLEAR SIDEWALKS, and SQUARES, GREENS, and other public open spaces. They are established in order to ensure a vital and complete public realm/STREET-SPACE with a high level of walkability.
6. *Section 6 Parking and Loading Standards* provide goals and requirements to promote a “park once” environment through SHARED PARKING and encourage a pedestrian-friendly, walkable East Frederick Form-Based Code District.
7. *Section 7 Building Functions* defines the uses allowed and/or required on ground floors and in upper floors, correlated with each BUILDING FORM STANDARD. Because the FBC-EF emphasizes form more than use, these standards include fewer, much broader categories than those provided elsewhere in the Frederick Land Management Code.
8. *Section 8 Administration* and **the City's Land management Code, sections 306 and 309**, covers the application and approval process for developing in the FBC-EF. It also sets out the standards and procedures for amendments to the REGULATING PLAN and how development proposals will be reviewed.



*Illustrative view of a future Village Green at East Church and 2nd Street.*

## F. East Frederick Form-Based Code District Intent and Key Concepts

The following list of concepts are important components of the FBC-EF regulations and are provided here for quick reference. These and other terms in the FBC-EF sections are used in specific ways, often excluding some of the meanings of common usage. **Wherever a word is in SMALL CAPITALS format, consult *G. Definitions* for its complete specific and limited meaning.**

<p><b>COMMON DRIVE:</b> COMMON DRIVES provide efficient and coordinated rear access for service and parking to all users of a BLOCK. They are critical to the functioning of the interconnected network of streets.</p> <p><b>BLOCK:</b> BLOCKS are the foundation of a walkable, efficient, and vital Town/Urban Place. With their public frontages, private lots and interior service and parking areas, BLOCKS provide an efficient and workable system for multiple private interests, large and small, to interact in a synergistic and democratic way. They are the building-block of all the great American towns and cities.</p> <p><b>BUILDABLE AREA:</b> This area, described/set out in the Building Form Standards, is simply the area of the lot where buildings may be constructed.</p> <p><b>CLEAR SIDEWALK:</b> This is the continuous clear area of sidewalk for pedestrians. While the area that is available to pedestrians will often be wider, the CLEAR SIDEWALK area will never be encroached into or compromised.</p> <p><b>CLEARLY VISIBLE FROM THE STREET-SPACE:</b> The FBC-EF most regulates things that directly shape the form and functioning of the STREET-SPACE—things that are CLEARLY VISIBLE FROM THE STREET-SPACE. Private actions and building forms beyond that, generally within or behind the buildings, are less regulated.</p> <p><b>DOORYARD:</b> The area between the building FACADE and the CLEAR SIDEWALK. DOORYARDS vary with their context, some being paved areas in front of shops and others small front gardens.</p> <p><b>FACADE:</b> The building elevation facing and on the street is its public face—or FACADE. Because the building FACADE is the primary component of the STREET-SPACE, the form-based code places careful parameters on it, with less control on the rest of the building.</p> <p><b>FENESTRATION:</b> The doors, windows, and other openings in a building that provide views and communication between the private space within the building and the public realm of the STREET-SPACE. The FBC regulates FENESTRATION to support vital walkable streets and to maintain ‘eyes on the street’ for safety.</p>	<p><b>PARKING SETBACK LINE:</b> The arrangement of cars parked off-street in the FBC-EF is very lightly regulated. There is a simple setback line, generally 30’ from the STREET-SPACE, that ensures that no pedestrian will have to walk alongside a parking lot.</p> <p><b>PRIVATE OPEN AREA:</b> PRIVATE OPEN SPACE is for residents. This is not public space, as in a GREEN, SQUARE, or a park, but open area for individual families, and/or residents of individual buildings, out of the public hustle and bustle of living in a compact, walkable, downtown. The 19th Century city failed in this regard and the resulting uncomfortable conditions contributed to the 20th Century flight to the suburbs that so consumed our rural lands.</p> <p><b>REGULATING PLAN:</b> You might think of the REGULATING PLAN as a 21st Century Zoning Map. It lays out the regulations for the <i>Form and Function</i> of development and the interconnected network of streets, BLOCKS, ALLEYS, and public open spaces that are necessary for the pedestrian oriented, walkable downtown/town center called for in the Town Plan.</p> <p><b>REQUIRED BUILDING LINE (RBL):</b> The REQUIRED BUILDING LINE is the line, or narrow strip, that aligns buildings consistently along the street and sidewalk. The FBC-EF requires a minimum percentage of all lot frontages to have a building FACADE built along it.</p> <p><b>STREET-SPACE:</b> The complete space between the building FACADES on each side of a street. The STREET-SPACE is a community’s first and foremost public open space. It includes the automobile travel and parking lanes, the TREE LAWNS, sidewalks, DOORYARDS, and any GREENS or SQUARES. Good STREET-SPACES promote sustainable transportation options such as walking and bicycling.</p> <p><b>STREET TREES:</b> STREET TREES are large canopy shade trees required in specific locations in the public realm. They contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and storm-water management. They provide structure and human scale to the STREET-SPACE.</p> <p>“A street without canopy shade trees is like a room without a ceiling” Landscape Architect, Henry Arnold.</p>
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*Understanding Key Terms in the Form-Based Code*



## G. Definitions

The following terms are defined for the purpose of the East Frederick Form-Based Code District (FBC-EF). Terms not defined here may be defined elsewhere in the Frederick Land Management Code. In such case, the definition contained in the Frederick Land Management Code must be used. Certain terms in these districts are used in very specific ways, often excluding some of the meanings of common usage. Where there is an apparent conflict or contradiction, the definition herein will take precedence.

**ATTIC STORY.** Habitable space situated within the structure of a pitched roof and above the uppermost STORY that does not count against the ultimate building or STORY height if constructed within the prescribed standards.

**AWNING.** A fabric-on-frame roof-like element attached to the FACADE OR REQUIRED BUILDING LINE side of a building to provide shelter or shade.

**BALCONY.** An exterior platform attached to the upper STORIES of the building FACADE (forward of the REQUIRED BUILDING LINE) *per the specifications in the individual frontage standards.*

**BAY WINDOW.** Generally, a U-shaped enclosure extending the interior space of the building forward of the REQUIRED BUILDING LINE (along its STREET-SPACE side). *These are sometimes referred to as Oriel windows.*

**BLOCK.** An increment of land comprised of lots, COMMON DRIVES, and parcels circumscribed and not traversed by streets (PEDESTRIAN PATHWAYS excepted). BLOCKS are measured at the REQUIRED BUILDING LINE (RBL).

**BLOCK CORNER.** The outside corner of a BLOCK at the intersection of any two REQUIRED BUILDING LINES. Inside corners, where the resulting angle formed by the BLOCK FACE is less than 180 degrees (concave) are not considered BLOCK CORNERS for the purposes of the FBC-EF. (See *Section 3 General Standards, Diagram B*)

**BLOCK FACE.** The REQUIRED BUILDING LINE frontage between BLOCK CORNERS.

**BUILDABLE AREA.** The area of the lot that structure(s) may occupy, which generally includes the area of the lot behind the REQUIRED BUILDING LINE excluding any required setbacks, as designated in the individual BUILDING FORM STANDARD. Any building additions must be within the specified BUILDABLE AREA.

**BUILDING CORNER.** The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered BUILDING CORNERS for the purposes of the FBC-EF. (See *Section 3 General Standards, Diagram B*)

**BUILDING FORM STANDARDS (BFS).** The part of the FBC-EF with standards for building frontage types that establish basic parameters regulating building form, including: the envelope (in three dimensions); placement on the lot; certain approved and required building elements, such as SHOPFRONTS, BALCONIES, and FENESTRATION; and the range of allowed uses.

**CANOPY.** The solid-on-frame roof-like element, covering an entry door(s), attached to the FACADE OR REQUIRED BUILDING LINE side of the building to provide shade or shelter.

**CIVIC BUILDINGS.** Those buildings designated on the REGULATING PLAN that are or were *designed to house strictly civic or cultural assembly uses and/or are urbanistically significant structures.* These may include meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; courthouses; and other similar community uses. *Residences and buildings that are clearly residential in form are not included.* Public ownership alone does not constitute a CIVIC BUILDING. CIVIC BUILDINGS and publicly-owned public art are not subject to the BUILDING FORM STANDARD prescriptions of the FBC-EF unless specifically noted otherwise.

**CLEAR HEIGHT.** The habitable distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground/sidewalk to the lowest element above. CLEAR HEIGHT is not applicable to Structured Parking.

**CLEAR SIDEWALK.** The portion of a sidewalk that must remain clear of obstructions (furniture, signage, trees, lighting, utility boxes, etc.) to allow for unimpeded public passage

- CLEARLY VISIBLE FROM THE STREET-SPACE.** Some requirements of the FBC-EF apply only where the subject is “CLEARLY VISIBLE FROM THE STREET-SPACE.” (Note the definition of STREET-SPACE below.) A building element more than 30’ from a REQUIRED BUILDING LINE or STREET-SPACE is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE. Common or party walls are by definition not CLEARLY VISIBLE FROM THE STREET-SPACE.
- COMMON DRIVE.** The public right-of-way or public access easement, **generally** open to the sky, for vehicles and pedestrians within a BLOCK that provides service access to the rear or side of properties, vehicle parking (e.g., garages), loading docks, utility meters, recycling containers, and garbage bins. COMMON DRIVES have a uniform width of 25’ and may contain easements for electric, telephone, gas, water, sewer, and other utilities.
- COMMON LOT LINES.** Lot lines shared by adjacent private lots.
- CORNER LOT.** A lot that has frontages on two intersecting STREET-SPACES. Special building placement, fencing and landscape requirements may apply. The RBL is continuous—there is no distinction between ‘front’ and ‘side’ frontages.
- DOORYARD.** The area within the STREET-SPACE, extending across the entire frontage of the lot, between the building FACADE (the REQUIRED BUILDING LINE) and the CLEAR SIDEWALK/ROW. This area may be hard-surfaced or planted according to *Section 5. Public Realm Standards, 2.A General, Dooryards*.
- DORMER.** Roofed ancillary structures with windows providing light and air to habitable space within a pitched roof.
- EDGE LOT.** A lot that is on the outer side of a street with Park/Natural Area, Wetlands, steep slopes, designated conservation lands, and/or property outside of the FBC-EF, as shown on the REGULATING PLAN, behind it. Special curb cut, COMMON DRIVE, building placement, fencing and landscape requirements may apply. .
- ENGLISH BASEMENT.** A habitable floor level in a ROWHOUSE that is below the first floor that is partially above and below grade. The ceiling of an ENGLISH BASEMENT is between 3’ and 6’ above the average fronting sidewalk grade with windows and an entry with direct STREET-SPACE access. ENGLISH BASEMENT units do not count against the STORY height limit but do count against the ultimate height measurement. An ENGLISH BASEMENT unit is considered an accessory dwelling unit.
- EQUIVALENT OR BETTER.** A building material or construction technique that has been determined, by the Zoning Administrator in consultation with the **Development Review Conference (DRC)**, to be *at least* equal to, in appearance, durability, quality, and other similar characteristics, or surpassing those expressly approved herein.
- FACADE (the building face):** The building elevation facing the STREET-SPACE or REQUIRED BUILDING LINE. Building walls facing private interior courts, COMMON LOT LINES, and COMMON DRIVES are not FACADES, and are considered elevations.
- FACADE COMPOSITION.** The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays) on a given FACADE.
- FENESTRATION.** Openings in a wall, including windows and doors, allowing light and views between the building and/or lot interior (private realm) and exterior (public realm).
- FIRST FLOOR.** See GROUND STORY.
- FORECOURT.** A building FACADE configuration where a central portion of the FACADE is set back from the REQUIRED BUILDING LINES to form a space that is enclosed on 3 sides by building elevations, with the entry door on one of the three elevations. FORECOURTS are limited in size and must satisfy all their frontage standards.
- FRONT PORCH.** A GROUND STORY entry platform attached to the FACADE / REQUIRED BUILDING LINE side of the building.
- GREEN OR SQUARE.** A public open space designated on the REGULATING PLAN. The term GREEN is used to describe a public lawn, playground, or other public open area that is primarily pervious-surfaced. The term SQUARE is generally used to describe spaces that have more impervious area. See *Section 5. Public Realm Standards* for the specific parameters for GREENS and SQUARES.

**GROUND STORY.** The first habitable level of a building at or above grade, not including ENGLISH BASEMENTS. The next STORY above the GROUND STORY is the second STORY or floor.

**LOT BUILDING LIMIT LINE.** A line that delineates the outer bounds of the developable area within a private parcel, generally along non-developable lands, GREENS OR SQUARES, Park/Natural Areas, and/or Wetlands, as shown on the REGULATING PLAN, behind it.

**MANSARD ROOF.** A roof with two angles of slope, the lower portion of which is steeper and is architecturally comparable to a building wall. Also a nearly vertical FACADE which imitates a roof. Mansard roofs are approved within the parameters in *Section 4.D*

**MEZZANINE.** An internal intermediate level between the GROUND STORY and the second STORY that may be in the form of a platform, podium, or wide balcony.

**MUNTIN.** A strip of wood, metal or equivalent separating and holding panes of glass in a window, less than 1" in thickness. Muntins divide a single window sash or casement into a smaller grid system of panes of glass.

**PARKING SETBACK LINE.** A line or plane, generally parallel to the REQUIRED BUILDING LINE, that extends vertically up from the ground STORY floor level (unless otherwise noted on the REGULATING PLAN), behind which parking may be located.

**PEDESTRIAN PATHWAY.** A publicly accessible interconnecting hard-surfaced way, open to the sky, providing pedestrian and bicycle passage through BLOCKS running from a STREET-SPACE to another STREET-SPACE, COMMON DRIVE, or an interior BLOCK parking area.

**PRIVACY FENCE.** An opaque fence generally along COMMON DRIVES, PEDESTRIAN PATHWAYS, and COMMON LOT LINES. See the *Section 3 Building Form Standards* for height and placement specifications and *Section 4 Architecture* for material and configuration standards.

**PRIVATE OPEN AREA.** An occupiable area within the BUILDABLE AREA, generally only accessible to occupants of the particular building or site, and (primarily) open to the sky. The approved location(s) for PRIVATE OPEN AREA is designated in the individual BUILDING FORM STANDARD.

**REGULATING PLAN.** The implementing plan for development within the FBC-EF. The REGULATING PLAN designates the BUILDING FORM STANDARDS for private development and may provide additional specific information for the disposition of each building site. The REGULATING PLAN governs how each site relates to adjacent STREET-SPACES, and the overall district.

**REQUIRED BUILDING LINE (RBL).** A line or plane indicated on the REGULATING PLAN, defining the street frontage, that extends vertically and is generally parallel to the STREET-SPACE, at which the building FACADE must be placed. This is a requirement, not a permissive minimum such as a setback. (The minimum length and height of FACADE that is required to be at the RBL is shown on the applicable BUILDING FORM STANDARD.) See *Section 3.I.A.1* for the REQUIRED BUILDING LINE specifications.

**ROWHOUSE.** A single-unit multi-story attached building, not more than 32' wide, sharing one or more common side walls with at least one other unit, and with a direct STREET-SPACE/FACADE entry and no principal dwelling unit above another principal dwelling unit. ROWHOUSES are only approved in Local frontages<sup>1</sup>.

**SHARED PARKING.** Automobile parking that is visible (this may be via signage) and accessible to the public. See *Section 6. Parking and Loading, C.3.*

**SHOPFRONT.** The area of the frontage, running vertically from the sidewalk up to the bottom of the second STORY floor structure and horizontally, the full width of the interior shop or store space. This is typically comprised of various architectural elements including knee walls, transoms, window panes, mullions, muntins, posts, pilasters, columns, and any roofs, cornices or eaves—all of which must comply with the standards of *Section 3.3 Building Form Standards, Storefront Frontages*, and *Section 4. Architectural Standards, 4.F. Shopfronts*.

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<sup>1</sup> This reserves core areas for higher intensity and a stronger tax base. It limits conventional ROWHOUSES—Note that "Stacked Flats" work well in Urban Neighborhood/Urban General frontages.



**SIDEWING.** The portion of a building attached to and behind the primary structure extending along a COMMON LOT LINE toward the COMMON DRIVE or rear of the lot.

**SQUARE.** See GREEN.

**STOOP.** An entry platform on the FACADE of a building. (See the individual BUILDING FORM STANDARDS for specifications.)

**STORY.** That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above.

**STREET FRONTAGE.** That portion of the lot or building that is coincident with the REQUIRED BUILDING LINE as required by East Frederick Form-Based Code District.

**STREET-SPACE.** The space between fronting FACADES and/or REQUIRED BUILDING LINES, including automobile travel and parking lanes, bike lanes, SQUARES, GREENS, sidewalks, DOORYARDS, and parks—but not within COMMON DRIVES or PEDESTRIAN PATHWAYS.

**STREET TREE.** A tree required in the FBC-EF that is used to define the STREET-SPACE or public realm and listed in the Street Tree List in *Section 5 Public Realm Standards*. STREET TREES are large canopy shade trees that will form a shade canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

**STREET WALL.** A primarily masonry wall which assists in defining the STREET-SPACE, filling in the gaps between adjacent building FACADES and separating the *public* from the *private* realms.

**TREE LAWN.** (STREET TREE trench/planting strip): A continuous strip of soil area—typically covered with bridging pavement, tree grates, porous pavers, or grass and other vegetation—located between the back of curb and the CLEAR SIDEWALK, and used for planting street trees and configured using Silva Cells, structural soil, or other techniques to foster healthy STREET TREE root systems. TREE LAWN configurations are specified in the *Public Realm Standards, Section 5.5*.

**USES.** See *Section 7 Functions* for categories and definitions.

**WORK COURT.** An area behind the building, and/or the PARKING SETBACK LINE, generally only accessible to occupants of the particular building or site, and (primarily) open to the sky that is used for business operations. The approved location(s) for the WORK COURT is designated in the Tech-Shop BUILDING FORM STANDARD.

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## Section 2 Regulating Plan

### A. Purpose and Intent

The REGULATING PLAN is the controlling document and principal tool for identifying the applicable regulations in the East Frederick Form-Based Code District (FBC-EF). It lays out the interconnected network of streets, BLOCKS, COMMON DRIVES, and public open spaces that are necessary for the pedestrian oriented, walkable urban place called for in the *2020 Comprehensive Plan*, *East Street Corridor Small Area Plan*, and the 2022 East Frederick Vision Plan.

1. The REGULATING PLAN is the mandatory base zoning for the East Frederick Form-Based Code District (FBC-EF).
2. The REGULATING PLAN makes the FBC-EF standards place-specific by:
  - a. Identifying the boundaries of the district;
  - b. Designating the building frontage for each STREET-SPACE (regulated in *Section 3, Building Form Standards*);
  - c. Identifying any CIVIC BUILDINGS; and
  - d. Delineating any new or existing GREENS, SQUARES or parks.
3. The REGULATING PLAN also specifies the REQUIRED BUILDING LINE and PARKING SETBACK LINE. *See also the Placement page in the individual building frontage in Section 3. Building Form Standards.*
4. The REGULATING PLAN delineates the Public Space/Realm with a specific street and BLOCK configuration, including new streets. The REGULATING PLAN with its' centerlines and RBLs is configured to create a specific STREET-SPACE—taking into consideration the specific context, including, but not limited to: property ownership, natural conditions (environmental constraints, topography) and the appropriate scale of the interconnected grid—in order to define a walkable urban place that is also achievable and sustainable.
5. The REGULATING PLAN may identify:
  - a. Specific characteristics assigned to a lot or a section of street frontage;
  - b. Additional regulations for frontages in specific locations;
  - c. Exceptions to the BUILDING FORM STANDARDS or other FBC-EF standards related to unique context or urban design.
6. Changes to the REGULATING PLAN beyond those specifically allowed in this section will require a rezoning process. (*See Section 8.I.2 g Or section 306 X.Y.z Regulating Plan Amendments.*)

### B. REGULATING PLAN Configuration Standards

1. Building form frontages on the REGULATING PLAN
  - a. The applicable BUILDING FORM STANDARDS for private parcels are designated on the REGULATING PLAN by their street frontage.
  - b. The BUILDING FORM STANDARDS—which define the form and character of the district—are allocated based on the East Frederick Vision Plan.
2. Streets
  - a. Generally, connectivity of the street grid throughout the East Frederick Form-Based Code District, specifically intersection alignments, is regulated by these standards. An interconnected street grid is fundamental to creating a compact, walkable, bikeable,

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8. Administration

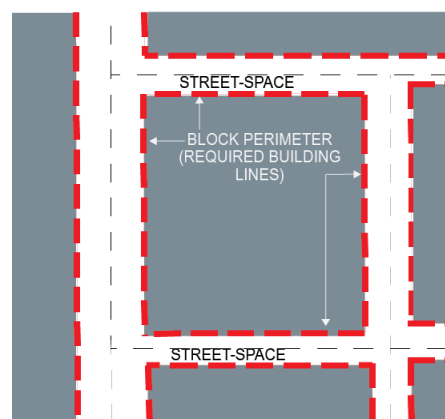


Diagram A.



- and transit-supportive environment. These standards are intended to preserve and establish that connectivity, whether it is constructed immediately or in a phased manner.
- b. The REGULATING PLAN delineates the street network that creates a pattern for growth while providing flexible opportunities for infill.
  - c. Streets on the REGULATING PLAN are mandatory.
  - d. No STREET-SPACE may be gated. (This does not include individual DOORYARDS.)
  - e. All lots must share a frontage line with, and all principal buildings must directly front, a STREET-SPACE and a REQUIRED BUILDING LINE—as designated on the approved REGULATING PLAN. Phased projects must meet this requirement for each phase of development, satisfying it in increments.
  - f. Where a new street or a street stub-out is shown on the REGULATING PLAN, no other curb cut and/or intersecting street is approved within 100’.
3. New Streets designated on the REGULATING PLAN
    - a. Additional new streets are encouraged and will require any steps necessary within the City procedures. Consult the Zoning Administrator.
    - b. In addition to the street connectivity requirements in 2. *Streets* above, the following standards apply to those streets constructed after the adoption of the East Frederick Form-Based Code REGULATING PLAN.
      - (i) New streets designated on the REGULATING PLAN may or may not be immediately constructed.
      - (ii) All new streets are intended to be public and must be publicly accessible. *See Section 5. Public Realm Standards.*
      - (iii) Where a parcel has frontage on a Level Two street and another street, construction of the Level Two street may be delayed until a time approved by the Zoning Administrator.
      - (iv) Any new streets that create frontage on a parcel being developed must be constructed at the time of development, Level Two streets excepted.
  4. Street Alignment Flexibility: within the limits set below, the position of streets may be adjusted from their Regulating Plan prescription/location. The required/necessary conditions are:
    - a. There is no net loss of SQUARE, GREEN, or park space,
    - b. Any other properties with frontage are not adversely affected. Submitting any application (subdivision application, Certificate of Conformity application, etc.) that includes the repositioning a street in a manner that impacts more than one property shall require a jointly submitted application by all impacted landowners,
    - c. All regulatory elements of the street, such as the REQUIRED BUILDING LINE, PARKING SETBACK LINE, and the BFS frontage designation, will move with any street repositioning, and
    - d. The centerline of the relocated street is within:
      - (i) 80’ for locations South of South Street,
      - (ii) 30’ for locations North of South Street
  5. A Mid-Block Pedestrian Crossing is required for any BLOCK FACE greater than 380’ in horizontal length. This must be sited within 60’ of the mid-BLOCK point.
  6. Additional new streets or COMMON DRIVES
    - a. May be added to the REGULATING PLAN by an applicant to create a smaller BLOCK pattern
    - b. No street or COMMON DRIVE may be deleted without being replaced
    - c. The resulting configurations must meet all the prescriptions of the FBC-EF, *see Section 5. Public Realm.*
    - d. Such additions will be processed as an Administrative Adjustment and added to the REGULATING PLAN. *See Section 8. Administration.*
  7. Street Adjustments. The Zoning Administrator, with the consent of the DRC, may make certain adjustments to:
    - a. The REQUIRED BUILDING LINE position, where necessary due to conflicts with utility placement or the State Highway Rights-of-Ways (*See Section 8.H Administrative Modifications to the Regulating Plan*)
    - b. The construction timing of street elements in order to coordinate with municipal and/or private infrastructure construction projects. (*See Section 8.H Administrative Modifications to the Regulating Plan*)

- c. The construction of grid streets that intersect with State Highways on the REGULATING PLAN, yet are unable to connect to the State Highway because the property owner has been denied a State Highway Access Permit (     Permit), may be terminated at the edge of the State right-of-way using any method enabled in the Frederick Public Works Specifications—with the intent of eventual connection.
8. Utility Location Adjustments. The Zoning Administrator, with the consent of the DRC, may make certain adjustments to the location and restrictions on the placement and visibility of Utility infrastructure, where necessary due to conflicts with the Utility Companies. (See Section 5.2.F.)

### C. BLOCKS

1. BLOCKS are measured at the REQUIRED BUILDING LINES or, where a REQUIRED BUILDING LINE is not present, along Lot Building Limit Lines, public rights-of-way, or other public, conservation, and/or property outside of the East Frederick Form-Based Code District. All lots and/or contiguous lots are considered to be part of a BLOCK for this purpose. (See Diagram A)
2. No BLOCK FACE may have a length greater than 380' without a COMMON DRIVE, public access easement or PEDESTRIAN PATHWAY of not less than 25' in width, providing through-access to another STREET-SPACE, or COMMON DRIVE. If a BLOCK does not meet this standard, then at the time of development, the following standards apply:
  - a. Individual lots with less than 150' of STREET-SPACE frontage are exempt from this requirement.
  - b. Lots from 150' through 200' in frontage must reserve a public access easement 12.5' in uniform width, establishing one half of a new future COMMON DRIVE on an appropriate COMMON LOT LINE—unless already satisfied within that BLOCK face.
  - c. Lots with over 200' of street frontage must meet the through-access requirement within their lot, unless already satisfied within that BLOCK FACE.
  - d. New lots may not be platted in order to avoid/circumvent the through-access requirement.
  - e. Where lots are subdivided, no new lot may be created that is less than the minimum width for its BFS frontage designation within 70' of its RBL, or that is too narrow or configured such that it is effectively not developable.

The Zoning Administrator, in consultation with the DRC, will determine the location and type of through-access that must be implemented.

3. Curb Cuts: No new curb cuts are approved unless otherwise specified below. The creation and retention of curb cuts in the FBC-EF is dependent on their providing access to, and circulation for, COMMON DRIVES as per the following:
  - a. For lots with COMMON DRIVE access, existing or in a redevelopment plan, existing curb cuts other than those necessary for COMMON DRIVE circulation, must be eliminated or vacated at the time of redevelopment.
  - b. For lots without COMMON DRIVE access, existing curb cuts may be maintained or required to be relocated, subject to the standards of this section. If COMMON DRIVE access becomes available in the future, the curb cut must be vacated.
  - c. For lots without a curb cut or COMMON DRIVE access, new curb cuts for shared driveways have priority over those for single access.
  - d. All curb cuts are subject to approval by the Zoning Administrator in consultation with the DRC and DPW.
4. Where Structured Parking or surface lot with more than 30 spaces, existing or planned, is being provided with at least 50% of its spaces available to the general public as SHARED parking, existing curb cuts that provide access to the public parking may be retained or relocated even if the lot has COMMON DRIVE access, subject to approval by the Zoning Administrator in consultation with the FRC and DPW. Such parking must meet the requirements of Section 6.B.5 for SHARED PARKING.

### D. COMMON DRIVE

COMMON DRIVES provide required internal BLOCK circulation, utility easements and shared access to rear parking and service areas. They may also serve as emergency vehicle lanes.

1. COMMON DRIVES must, at the time of redevelopment, provide access to the rear of all lots. The Zoning Administrator may approve alternative access to parking and service areas where the absence of the COMMON

DRIVE would not deprive an adjacent lot/neighbor of rear lot access, and:

- a. A lot has streets on three sides and,
  - b. The lots are on a perimeter common to non-developable or conservation lands, or
  - c. No BLOCK FACE is greater than 200'.
2. COMMON DRIVES, where shown on the REGULATING PLAN, indicate:
    - a. There must be vehicle and pedestrian passage through the BLOCK and,
    - b. The BLOCK FACES where the COMMON DRIVE must exit/enter.
  3. The specific route through the BLOCK and exit locations in the BLOCK FACE, if shown in the REGULATING PLAN may be changed, and the specific location of COMMON DRIVES not shown may be set, with the approval of the Zoning Administrator in consultation with DPW. (See Section 8.H Administrative Adjustments.)
  4. COMMON DRIVES may be incorporated into parking lots as standard drive aisles. **Parking Structures may likewise be built over and above COMMON DRIVES, minimum clearance 16'.**
  5. Access from COMMON DRIVES to all adjacent properties is required and must be maintained.
  6. In all frontages, except where constructed as ROWHOUSES, vehicular access between adjacent parking lots and across property lines is required. If not available at the time of redevelopment, accommodation for future vehicular cross-access must be provided.

COMMON DRIVES for EDGE LOTS. Subject to approval by the Zoning Administrator in consultation with the DRC and DPW, special curb cut and COMMON DRIVE requirements may apply to enable efficient and shared use and minimize impermeable surface area. (See Section 3.A.7.)

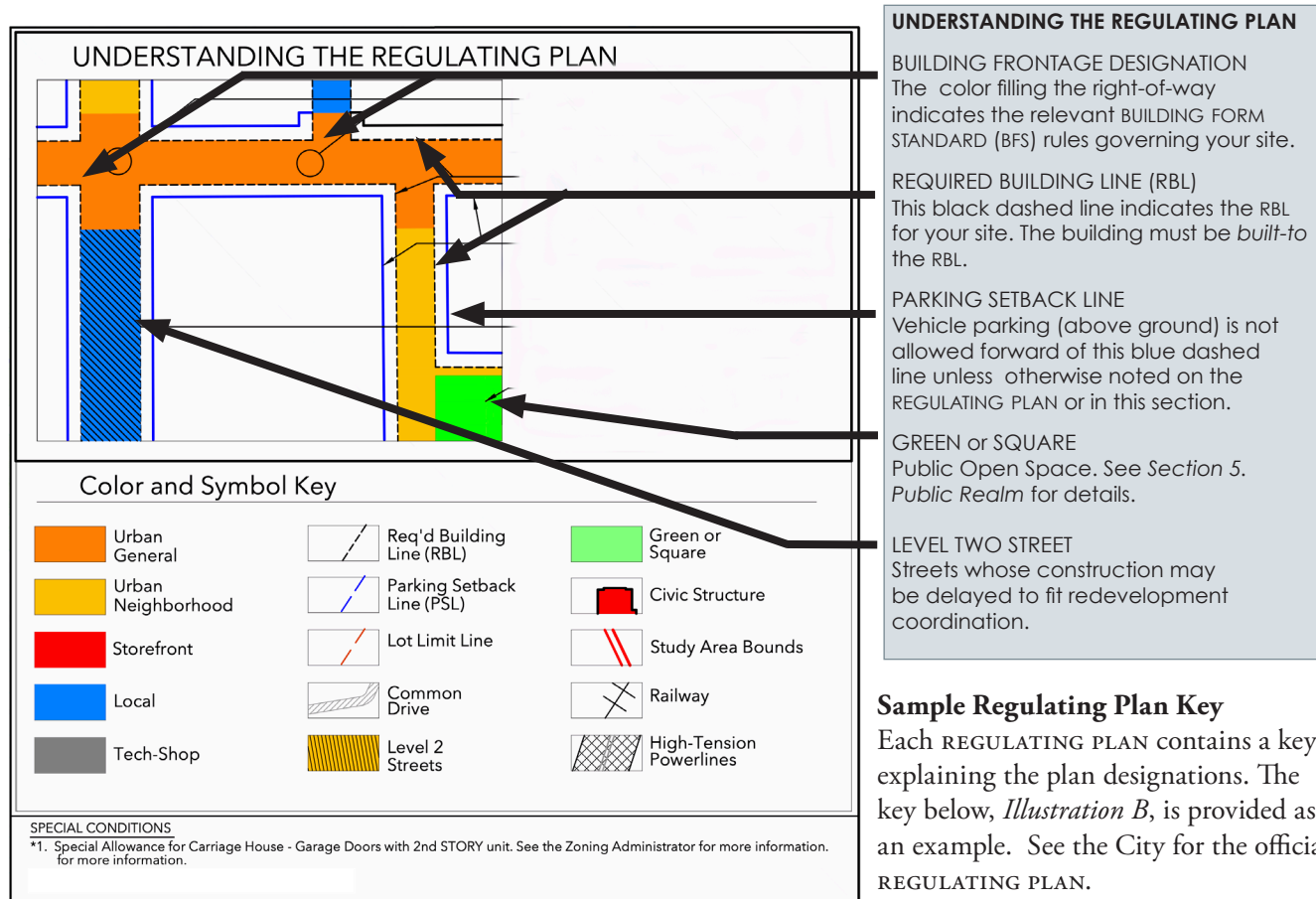


Illustration B.





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## Section 3. Building Form Standards

The BUILDING FORM STANDARDS (BFS) establish the rules for development and redevelopment on private lots. They work through form and function controls on building frontages to frame the STREET-SPACE and foster a vital public realm.

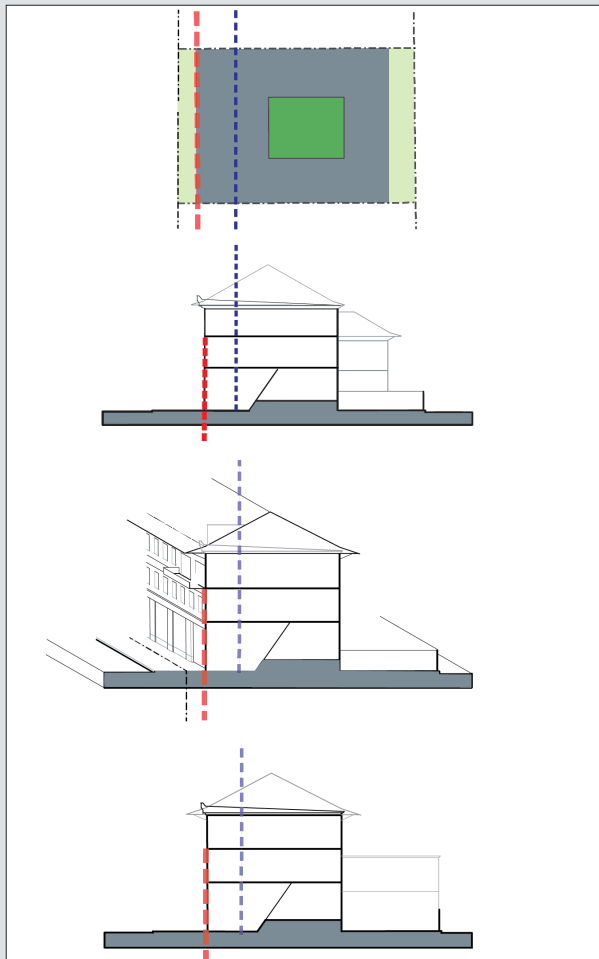
The building frontage designations are denoted on the REGULATING PLAN by the color filling the STREET-SPACE fronting the parcel. These colors are shown in the section for each frontage designation that follows. The BUILDING FORM STANDARDS set the basic parameters governing building form, including building placement, the building envelope (in three dimensions), certain required or approved functional elements, and the range of functions/uses approved. These standards will allow the uses within a building to *change over time* and promote lasting and contributing buildings.

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#### HOW TO USE THE BUILDING FORM STANDARDS (BFS):

The BUILDING FORM STANDARDS are divided into General Standards, that apply to all frontage designations, and individual building frontages that only apply where the specific frontage has been designated. Standards include required minimums, allowed maximums, and some permissive parameters for specific building or lot features. The individual building frontage standards are organized into four categories: *Placement*, *Height*, *Elements*, and *Use*. You should review the General and the individual BUILDING FORM STANDARD before planning your project.



Informational Graphic—not regulatory

**PLACEMENT:** These standards set the BUILDABLE AREA of your lot. Note the REQUIRED BUILDING LINE (RBL) and the minimum percent required for building along the lot frontage. Next, look for specifics about the depth and breadth of the BUILDABLE AREA relative to the RBL and any side and rear setbacks. You should also note any requirements for PRIVATE OPEN AREA. Then you will know where on your lot you may build—as well as where your building must be placed (the RBL).

**HEIGHT:** These standards set the minimum and maximum height for the building. Note also the specifications for floor elevations, fence, and wall heights. Height is primarily measured relative to the fronting sidewalk.

**ELEMENTS:** These standards regulate important details of the building like FRONT PORCHES and FENESTRATION (windows and doors). These standards apply primarily to the building FACADE (the front, as it faces the street)—with much less control/regulation on what happens behind the FACADE.

**USE:** These standards define the broad categories of use that are approved, and often differentiate between the GROUND STORY and the upper STORIES. The standards are less prescriptive than conventional zoning.



## Frontage Descriptions

The frontages are designated on the REGULATING PLAN by color filling the STREET-SPACE.

### Urban General Frontage

Urban General is the basic urban building form. These frontages produce multi-story buildings placed close to the sidewalk, with windows across the FACADE, and one or more entrances. The uses are very flexible, ranging from commercial to residential, and institutional, to GROUND STORY retail and restaurants—and combinations of all of the above.



*Illustration: Urban General example*

### Urban Neighborhood Frontage

Urban Neighborhood frontages produce multi-story buildings, slightly reduced in scale relative to the Urban General frontage, with windows across the FACADE, and one or more entrances. The uses range from commercial to residential, institutional to GROUND STORY retail and restaurants—and combinations of all of the above.



*Illustration: Urban Neighborhood example*

### Storefront Frontage

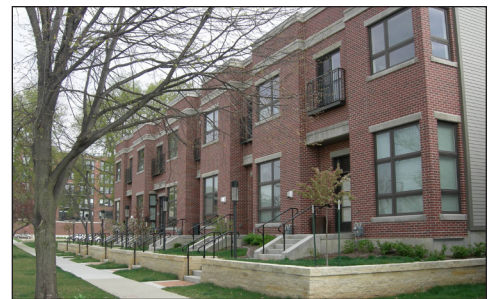
Storefront is a subset of the Urban General/Urban Neighborhood frontages, adding specific requirements for a prototypical ground floor SHOPFRONT with large windows and frequent doors at the sidewalk. GROUND STORY uses are limited to retail or other active commercial uses along the frontage, creating a vibrant pedestrian realm. Upper STORY uses are very flexible.



*Illustration: Storefront example*

### Local Frontage

Local frontages produce two to three STORY buildings, reduced in scale relative to the Urban Neighborhood frontage, placed behind planted DOORYARDS, with windows across the FACADE, and one or more entrances. The uses are residential and limited office.



*Illustration: Local example*

### Tech-Shop Frontage

Tech-Shop frontages produce one to two-story buildings. They sit close to the sidewalk, with windows and one or more entrances across their FACADE, than. The uses are Maker Space, Light Industrial, and Arts-related. Residential and Office uses are restricted in order to protect these important community functions from being out-bid and forced out, by the residential and/or office market.



*Illustration: Tech-Shop example*



### 3.1 General Provisions

These provisions apply to all building frontage designations, unless expressly stated otherwise within the individual frontage designation or on the REGULATING PLAN.

#### A. Placement

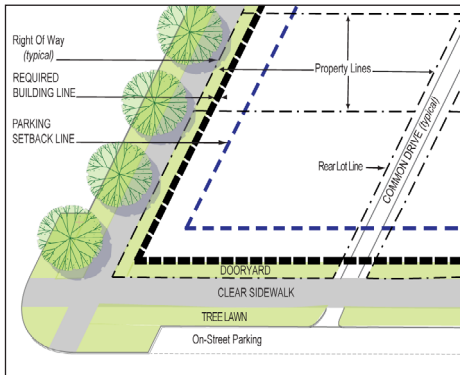


Illustration A. Key East Frederick Form-Based Code elements

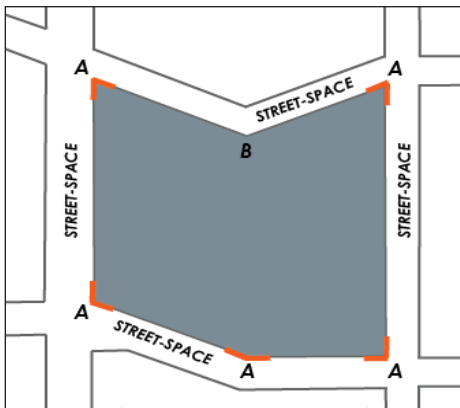


Diagram B. BLOCK CORNERS

A = BLOCK CORNER, B = Not a BLOCK CORNER

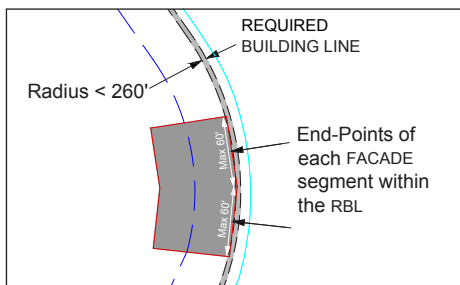
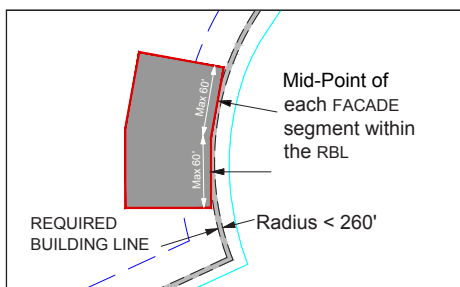


Diagram C. Curved RBLs

#### 1. REQUIRED BUILDING LINE (RBL)

- a. Building FACADES must be *built-to* the REQUIRED BUILDING LINE as prescribed in the individual BUILDING FORM STANDARD (BFS). This requires the minimum percentage of the RBL that must have a building along/on it. COMMON DRIVE openings are not measured as part of the RBL in the minimum *built-to* % calculation.
- b. The REQUIRED BUILDING LINE includes an offset area (or depth) behind that line (into the BUILDABLE AREA) allowing for jogs and FACADE articulation. For Urban General and Urban Neighborhood frontages, the depth is 24". For Local and Tech-Shop frontages the depth is 36". Where the FACADE is placed within that depth, it is considered to be *built-to* the REQUIRED BUILDING LINE.
- c. CORNER LOTS and through lots:
  - (i) Must satisfy the requirements of their individual BUILDING FORM STANDARD for both frontages. (See *Diagram D. Through Lots*.)
  - (ii) The building FACADE must be *built-to* the REQUIRED BUILDING LINE within 30' of a BLOCK CORNER. Where the specific frontage allows a chamfered corner for a corner entry, it is considered to be *built-to* and in conformance. (See *Diagram B. BLOCK CORNERS*.)
  - (iii) The REQUIRED BUILDING LINE is continuous around any BLOCK CORNER (not broken into separate frontages or REQUIRED BUILDING LINES).
  - (iv) For CORNER LOTS, the minimum required *built-to* % is reduced by 10% or 20', whichever is less.
- d. Where the RBL is curved and has an effective radius less than 260':
  - (i) The minimum build-to requirement is reduced by 10% and
  - (ii) The FACADE may, either conform to the curve or sit tangent to the RBL in straight increments no greater than 60', provided:
    - (a) the FACADE is within the RBL at the ends of each segment for convex curves, or
    - (b) the mid-point of the FACADE for each segment is within the RBL, for concave curves. (See *Diagram C. Curved RBLs*.)
- e. Where a through lot has frontages with different height limits, the greater of the maximum height limits must not come within 60' of the RBL of the lower height frontage.

#### 2. BUILDABLE AREA (See Table A. Facade Projection Limitations)

- a. Buildings may only occupy that portion of the lot specified as the BUILDABLE AREA: the area behind the REQUIRED BUILDING LINE and excluding any required setbacks, as prescribed in the BUILDING FORM STANDARD.
- b. No part of any building may be located outside of the BUILDABLE AREA except projecting eaves, AWNINGS, FRONT PORCHES, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, sunshade devices, or BALCONIES.

- c. Accessibility ramps approved by the Zoning Administrator may be located within the DOORYARD area.
  - d. Rear and side lot setbacks, where required, are specified in the individual BUILDING FORM STANDARD and/or *Section 3.1.F. Neighborhood Manners*.
  - e. Minimum building frontage length; lots platted prior to 2022 are exempt (*see individual frontages 3.2 — 3.6, C.2, below*).
3. DOORYARDS  
See *Section 5.2.D Public Realm Standards*. (See also *Illustration A. Key FBC-EF elements, above*.)
4. PRIVATE OPEN AREA  
Private or semi-private usable open area is required on every lot, measured as a specified percentage of the BUILDABLE AREA. This requirement may be satisfied in a variety of at or above-grade configurations, as prescribed in each BUILDING FORM STANDARD.
- a. A PRIVATE OPEN AREA must be provided on every lot within 50' of the main structure. See the individual BUILDING FORM STANDARD for that percentage.
  - b. The PRIVATE OPEN AREA may be distributed among separate areas, but at least 60% must be in one single area.
  - c. The minimum PRIVATE OPEN AREA dimension is 18'.
  - d. Up to 33% of the required PRIVATE OPEN AREA may be satisfied by the BALCONIES of individual units—which are exempt from the minimum dimension in c. above, and the restrictions in h, and i. below. Where the DOORYARD is less than 5' deep, this option is not available. (*See 3.1. General Standards, C. Elements, 2.f. Balconies*, for qualifying BALCONY requirements.)
  - e. The PRIVATE OPEN AREA must be located behind the PARKING SETBACK LINE when it is below the third STORY.
  - f. Where provided at or above the third STORY, the PRIVATE OPEN AREA may be located forward of the PARKING SETBACK LINE (such as in a raised courtyard configuration) only if:
    - (i) it opens onto not more than one STREET-SPACE, and
    - (ii) it is set back at least 30' from any BLOCK CORNER or BUILDING CORNER.
  - g. When on the building's highest roof level, the PRIVATE OPEN AREA may be located anywhere on the roof.
  - h. The PRIVATE OPEN AREA must be improved and available for safe and convenient access to all residents of the building.
  - i. The PRIVATE OPEN AREA must be open to the sky except for tree canopy, pergolas porches, and decks.
  - j. The PRIVATE OPEN AREA, when located at grade, must be not more than 33% impervious surface area.
  - k. Any PRIVATE OPEN AREA must not encroach into any required side or rear set-backs. See the individual building frontage standards for additional parameters.
  - l. Any shared PRIVATE OPEN AREA located above the second STORY (excluding BALCONIES) must be free of any obstructions, be screened from rooftop mechanical equipment, and be located and configured to prevent views into adjacent dwelling units.

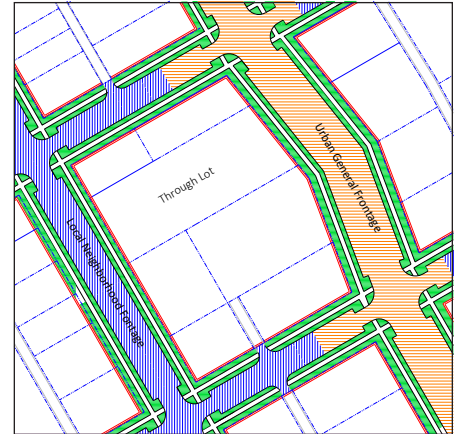


Diagram D. Through Lots



Illustration E1. STREET WALL at RBL

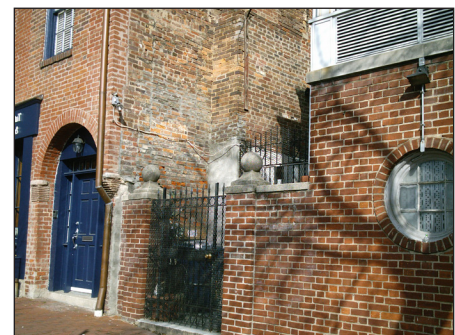


Illustration E2. STREET WALL at RBL

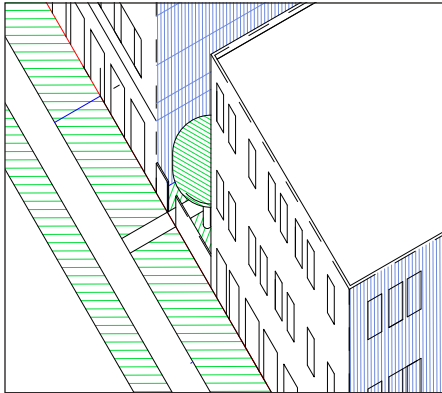


Illustration E3. STREET WALL at RBL

- m. The PRIVATE OPEN AREA is not to be used to satisfy minimum stormwater Best Management Practice requirements (if thereby excluding active occupant use), parked upon, or driven upon.
  - n. Any development on a lot that is exclusively reusing existing structures is exempt from the PRIVATE OPEN AREA requirement, provided that there are no additions or expansions of the building envelope.
5. STREET WALLS and PRIVACY FENCES
- a. Unless otherwise indicated in the individual BUILDING FORM STANDARD, a STREET WALL is required along any REQUIRED BUILDING LINE (RBL) frontage that is not otherwise occupied by a building (See *Illustrations E1, E2, and E3. STREET WALL at RBL*). Note that a building is required along any RBL within 30' of a BLOCK CORNER (See *A.1.c.(ii) above*).
  - b. Any STREET WALL more than 5' in height must meet the FENESTRATION requirements of the applicable BUILDING FORM STANDARD as if it were an external building wall.
  - c. A STREET WALL may have, for every 40', no more than 1 access gate that is opaque and maximum 20' wide and no more than 1 pedestrian entry gate, maximum 5' wide.
  - d. PRIVACY FENCES may be constructed along COMMON LOT LINES behind the REQUIRED BUILDING LINE and along COMMON DRIVES.
  - e. PRIVACY FENCES have a maximum height of 8'.
6. On-Site/Off-Street Vehicle Parking and Access (curb cuts). In the East Frederick Form-Based Code District, off-street vehicle parking and access should have minimal intrusion on the public realm and must be screened from the STREET-SPACE. Access should be provided from COMMON DRIVES, alleys, PEDESTRIAN PATHWAYS, or shared driveways, minimizing potential vehicular-pedestrian points of conflict. Properties in the FBC-EF are exempt from parking standards not in *Section 1* through *Section 7* of the FBC-EF. The following standards apply.
- a. The PARKING SETBACK LINE is designated on the REGULATING PLAN, with additional specifications in the applicable individual BUILDING FORM STANDARD.
  - b. The PARKING SETBACK LINE extends vertically, as a plane, from the first-floor level, except where otherwise designated on the REGULATING PLAN.
  - c. Vehicle parking must be located behind the PARKING SETBACK LINE, with the following exceptions. Parking may be forward of the PARKING SETBACK LINE where it:
    - (i) See *Diagram F*:
      - (a) is beneath a habitable first floor and completely within the building envelope;
      - (b) has a floor level at least 4' below grade; and
      - (c) has FENESTRATION (from grade to the finished first floor level) not greater than 15%.
    - (ii) where specifically designated on the REGULATING PLAN, only above the floor level specified on the REGULATING PLAN.
    - (iii) at the rear of lots with COMMON DRIVE/REQUIRED BUILDING LINE intersections, as prescribed in the individual building frontage standard.

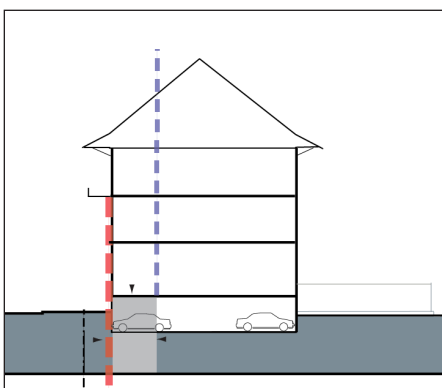


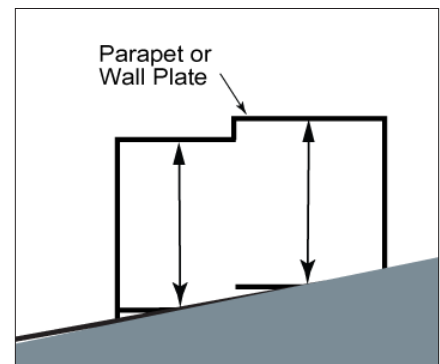
Diagram F. Parking allowed forward of the PARKING SETBACK LINE.

- d. Curb cuts and driveways must be located at least 100' away from any BLOCK CORNER, other curb cut, or Structured Parking entry on the same BLOCK FACE. These requirements are not applicable along COMMON DRIVES.
  - e. No development may create new curb cuts where a COMMON DRIVE curb cut or shared driveway curb cut exists or is required to be created by this code. See *Section 2.C.3 Regulating Plan*, for the standards for new curb cuts.
  - f. If a COMMON DRIVE or shared driveway is not available, an applicant may request direct driveway access from a street, subject to approval by the Zoning Administrator in consultation with the DRC and DPW.
7. EDGE LOTS. Subject to approval by the Zoning Administrator and the Director of Public Works, EDGE LOTS may create curb cuts and be served by a COMMON DRIVE, with the following requirements:
    - a. curb cuts are limited to 1 per 8 dwelling units, and
    - b. have a minimum distance between curb cuts of 80', and
    - c. when serving fewer than 18 units, the pavement width in the COMMON DRIVE:
      - (i) may be reduced to 11', is not required to be centered in the COMMON DRIVE width, and
      - (ii) may be one-way.
  8. Lot Building Limit Line. Land outside of the Lot Building Limit Line may not be disturbed or built upon except under the direction of the Zoning Administrator.
  9. Structured Parking may have parking forward of the PARKING SETBACK LINE at and above the GROUND STORY provided that:
    - a. it is explicitly designated on the REGULATING PLAN; and
    - b. no less than 50% of the parking spaces are available to the public; and
    - c. the parking is clearly identified and accessible to the public.

## B. Height<sup>1</sup>

Heights are specified in the individual BUILDING FORM STANDARD. CIVIC BUILDINGS are exempt from these standards.

1. Heights in the FBC-EF are generally measured from the average fronting CLEAR SIDEWALK elevation.
2. Building height is measured in STORIES, with an ultimate building STORY-height limit in feet.
  - a. Building STORY-heights are measured to the top of the wall plate or top of the parapet, whichever is higher. (See *Diagram G*)
  - b. Finished floor elevation and minimum building height requirements must be satisfied from the REQUIRED BUILDING LINE back to a minimum depth of 30'.
3. Shading, elevator, and solar structures, on top of a flat roof or the flat portion of a roof, less than an additional 12' in height are permitted.
4. A single ATTIC STORY, constructed according to the FBC-EF standards, is not included in the building STORY-height measurement, whether in STORIES or feet. (See *Elements C.3* and *Diagram M*).
5. CLEAR HEIGHT is measured from the finished floor elevation to the finished ceiling directly above.<sup>2</sup> For external building features, it is measured as the unobstructed distance from the ground/sidewalk to the lowest element above.



*Diagram G. Building FACADE view  
Building height measurement:  
Large floorplates along significantly sloped  
frontages need to 'step' the building in  
order to maintain the proper relationship  
with the sidewalk.*

<sup>1</sup> Note of intent: This is not the way height is conventionally measured. The datum is a person in the STREET-SPACE. This is also to incentivize the use of pitched roofs, adding variety to the roof lines. This allows additional habitable space (see ATTIC STORY in C. Elements. 3) while maintaining a lower scale appearance.

<sup>2</sup> Note of intent: Minimum clear height is a value preservation and quality-of-life measure.



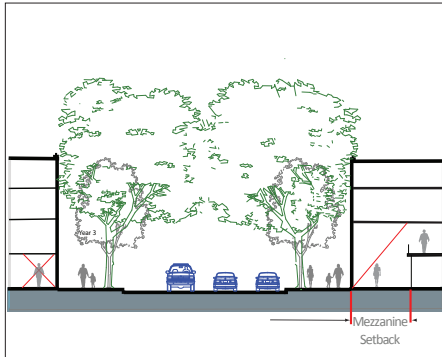


Diagram H. Mezzanine GROUND STORY setback



Illustration I. Parking Garage Entry

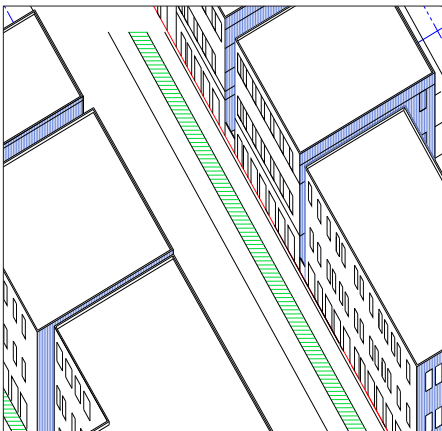


Illustration J. Caution: In an Urban context FENESTRATION along COMMON LOT LINES should be expected to be blocked by adjacent buildings.

6. The prescribed minimum CLEAR HEIGHT must be met by at least 75% of the floor area for the specified STORY.
7. MEZZANINES (See *Diagram H*):
  - a. with a floor area greater than 1/3rd of the floor area of the STORY in which it is located will count as an additional full STORY in the building height measurement;
  - b. below the second STORY must be set back from the REQUIRED BUILDING LINE at least 15'; and
  - c. GROUND STORY MEZZANINES are not included in the CLEAR HEIGHT measurement.
8. Parking Structures
  - a. Height Limits
    - (i) Parking Structures are limited by the ultimate building height of their frontage, not by STORIES.
    - (ii) Any portion of structured parking within 25' of a building constructed under this code must not exceed that building's primary roof ridge or parapet height.
    - (iii) Parking Structures are not subject to the 18' height limit for BUILDABLE AREA more than 80' away from the RBL. See all frontages, D.1
    - (iv) Parking spaces on the top level of structured parking do not count as an additional STORY against the height limits of this code.
  - b. All Structured Parking is subject to *Section 3.1.F. Neighborhood Manners*.
  - c. Openings in any FACADE for structured parking entries must have a maximum CLEAR HEIGHT of 16' and a maximum clear width of 22' (in order to be counted as part of the minimum build-to requirement). (See *Illustration I*)
  - d. are exempt from the CLEAR HEIGHT prescriptions.
  - e. Parking Structures may be built above and over COMMON DRIVES, behind the PARKING SETBACK LINE. Minimum clearance 16.
9. Bonus Story for Affordable Housing
  - a. Where an Urban General, Urban Neighborhood, or Storefront property has been approved by the City for a Bonus Story for Affordable Housing, it is eligible for the additional STORY and building height identified in the BFS in exchange for the provision of affordable housing—as defined by the City MPDU ordinance.
  - b. See *Section 7.J Bonus Story for Affordable Housing — Development and Performance Standards*, for further requirements.

## C. Elements

### 1. FENESTRATION

- a. FENESTRATION is regulated, on a STORY by STORY basis, as a percentage of the FACADE between floor levels. It is measured as glass area (including MUNTINS and similar window frame elements with a dimension less than one inch) and/or the open (void) area in the wall surface. (See the configuration standards in *Section 4 Architectural Standards*, 4.C.6.d and 4.E.4.a.(i).)

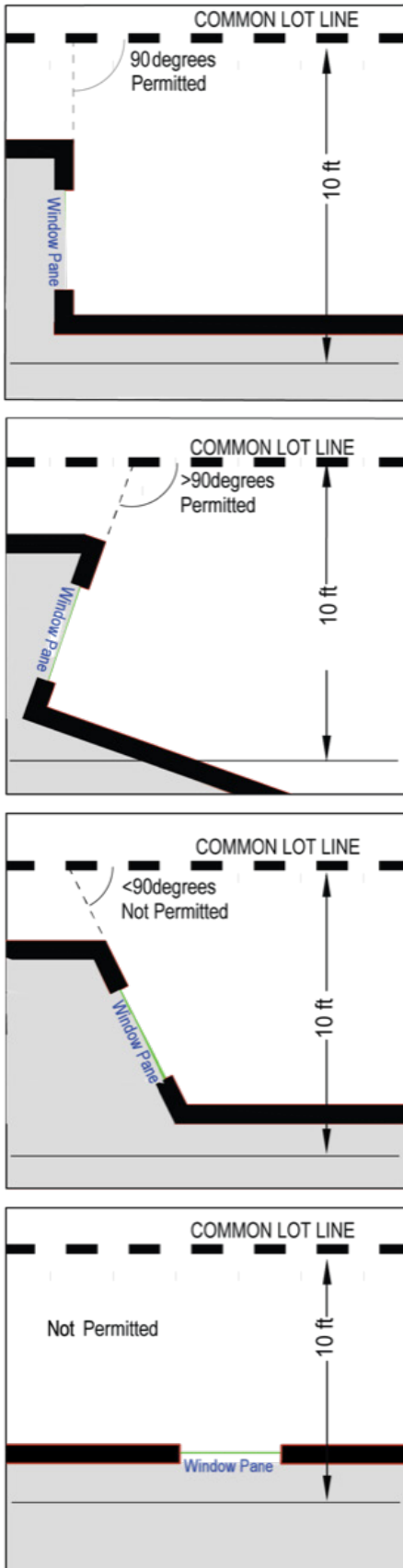


Diagram K. Orientation of side windows within 10' of a COMMON LOT LINE.

- b. GROUND STORY FACADES and STREET WALLS, with lengths of wall exceeding 20' (horizontal) with no FENESTRATION between 5' and 8' above the adjacent sidewalk are prohibited.
  - c. UPPER STORY FACADES with lengths of wall exceeding 30 linear feet (horizontal) with no FENESTRATION are prohibited below the 4th STORY.
  - d. Each FACADE must have at least one functioning entrance.
  - e. The maximum distance between functioning entrances in the same building FACADE is specified in the BUILDING FORM STANDARD.
  - f. Windows should not direct views into or across an adjacent private lot. COMMON LOT LINES may be built with zero or minimal setback. Any views directed into or across a private lot are specifically not protected. (See Illustration J)
  - g. Windows may not direct views into an adjacent private lot where the COMMON LOT LINE is less than 10' away. (See Diagram K.) Specifically, the window opening and window panes must be at an angle of greater than or equal to 90 degrees to/with the COMMON LOT LINE except under one of the following three conditions:
    - (i) that view is contained within the lot (e.g. ground or first STORY window views blocked by a privacy fence or garden wall),
    - (ii) the window's sill is at least 6' above its finished floor level,
    - (iii) forward of the RBL; or
    - (iv) otherwise specified in the individual BUILDING FORM STANDARD.
2. FACADE Projections
- a. No part of any building may project forward of the REQUIRED BUILDING LINE except for: overhanging eaves, AWNINGS, SHOPFRONTS, signs, BAY WINDOWS, FRONT PORCHES, steps for STOOPS, BALCONIES, or accessibility ramps approved by the Zoning Administrator in consultation with the FRC. (See Table A.)
  - b. Encroachments over the CLEAR SIDEWALK and/or the right-of-way are not approved, except for signs, overhanging eaves, and AWNINGS, as set forth herein. (See Table A. Facade Projection Limitations)

Table A. FACADE Projection Limitations	Reference	Limit
ADA Ramps		ROW
AWNINGS, ground floor	2.(d)	
BAY WINDOWS	2.(e)	ROW
BALCONIES	2.(f)	BFS/ROW
Eaves		ROW
SHOPFRONTS	per BFS	ROW
Steps / STOOPS / FRONT PORCHES	per BFS	ROW
Projecting Signs	Section 4.L	
Consult the Zoning Administrator for any encroachments into the ROW; additional requirements may apply.		



Illustration L1. BALCONIES, FRONT PORCHES



Illustration L2. STOOPS, BALCONIES, FRONT PORCHES

- c. STOOPS or FRONT PORCHES:
  - (i) Finished floor height must be no more than 6" below the first STORY finished floor.
  - (ii) All required FRONT PORCHES must be completely covered by a roof (this does not include stairs), with supporting posts, piers with columns and perimeter railings.
  - (iii) FRONT PORCHES must be: surrounded by balustrades/railings, that are between 15% and 70% opaque, at least 30" in height above their floor and fully surround the FRONT PORCH excepting a maximum 6' wide front and (separate) side opening for any side access.
  - (iv) FRONT PORCHES must not otherwise be enclosed above a height of 42", except with insect screening and/or columns/posts supporting a roof or connecting with a BALCONY above.
  - (v) STOOPS must be fully covered by a roof or CANOPY (this does not include stairs).
  - (vi) See the individual BUILDING FORM STANDARDS for additional dimensional standards.
  - (vii) See Section 4.J Architectural Standards, for additional design standards for FRONT PORCHES and STOOPS.
- d. Ground STORY AWNINGS and CANOPIES  
See Section 4.G Architectural Standards, for design standards for AWNINGS and CANOPIES.
- e. BAY WINDOWS:
  - (i) must have an interior clear width of between 4' and 10' at the FACADE;
  - (ii) at the GROUND STORY must project no more than 24" beyond the REQUIRED BUILDING LINE, and
  - (iii) at the second STORY and above, must project no more than 30" beyond the REQUIRED BUILDING LINE.
- f. BALCONIES:
  - (i) Where BALCONIES are required, and/or where BALCONIES are being used as a method for achieving the required PRIVATE OPEN AREA, they must:
    - (a) meet all prescriptions in its BUILDING FORM STANDARD,
    - (b) be enclosed by balustrades and railings, or other means that are between 20% and 70% opaque;
    - (c) not otherwise be enclosed above a height of 42", except with insect screening and/or columns/posts supporting a roof or connecting with another BALCONY above; and
    - (d) be fully covered by, and posted up to, a roof. Alternately, where a BALCONY aligns with a BALCONY on a different STORY, it may post up to the BALCONY above. (See Illustrations L1, L2)
  - (ii) Where the DOORYARD dimension is less than the minimum 5' depth required in the BFS frontage standard:
    - (1) The DOORYARD depth is the minimum depth for that parcel,
    - (2) BALCONIES are not available to contribute to PRIVATE OPEN SPACE.
  - (iii) Balconies – not meeting the requirements for BALCONIES – are approved/permitted within the BUILDABLE AREA and may encroach into the DOORYARD. They do not satisfy in any way, any requirement for BALCONIES.



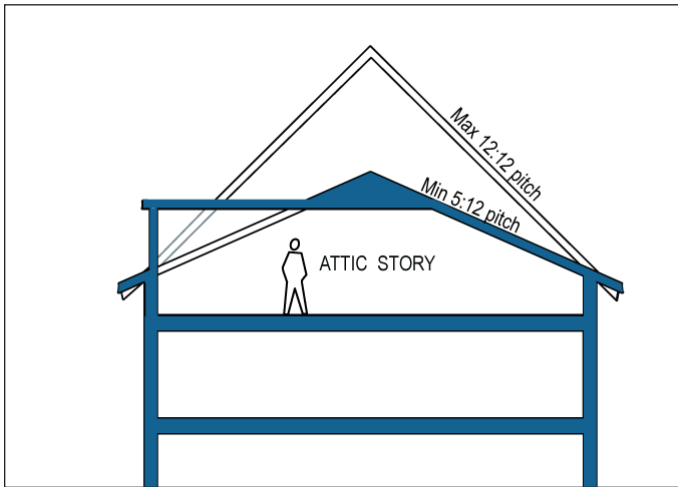


Diagram M. ATTIC STORY

3. An ATTIC STORY is approved provided it meets the following standards:
  - a. There is not more than one floor level within the roof.
  - b. ATTIC STORY windows fronting the REQUIRED BUILDING LINE may only be located in DORMERS.
  - c. DORMERS for ATTIC STORIES are approved so long as they do not break the primary eave line, are individually less than 15' wide, and their collective width is not more than 60 percent of the FACADE.
  - d. The habitable area in an ATTIC STORY is restricted by the limitations on roof pitch and height, in this code. (See Diagram M)
  - e. A MANSARD ROOF configuration is not an ATTIC STORY.

4. Roof configurations are regulated in Section 4. Architectural Standards, D. Roofs and Parapets.

#### D. Frontage Designation Flexibility

When the building frontage designation shown on the REGULATING PLAN changes along a property's REQUIRED BUILDING LINE (RBL), the applicant has the option of applying either BUILDING FORM STANDARD for a maximum additional distance of 30' in either direction, for that parcel only, from the transition point shown on the REGULATING PLAN. This flexibility is limited by the configuration of the REGULATING PLAN (including the parcel lines) at the time of its adoption. An adjustment greater than 30' requires a rezoning. (See Diagram N)

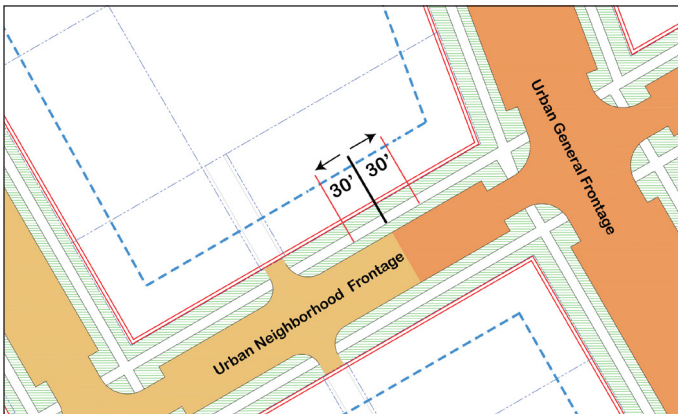


Diagram N. Frontage designation flexibility

#### E. Civic Buildings

CIVIC BUILDINGS, existing or proposed are exempt from the BUILDING FORM STANDARD provisions except those that relate to F. Neighborhood Manners. An applicant may seek a waiver to designate a CIVIC BUILDING from the Planning Commission (PC).

#### F. Neighborhood Manners

Where Urban General, Urban Neighborhood, Storefront, and Tech-Shop frontage share a COMMON LOT LINE with a ROWHOUSE, or any single household dwellings, the following standards apply (See Illustration O).

1. A masonry wall, 4' to 8' in height, must be constructed within one foot of the COMMON LOT LINE.
2. Trees from the *Street Tree List* (see Section 5 Public Realm Standards) must be planted, on maximum 30-foot centers, between 5' and 10' from the wall. At planting, trees must be at least 2.5 inches in diameter at designated breast height (DBH) and at least 8' in overall height.

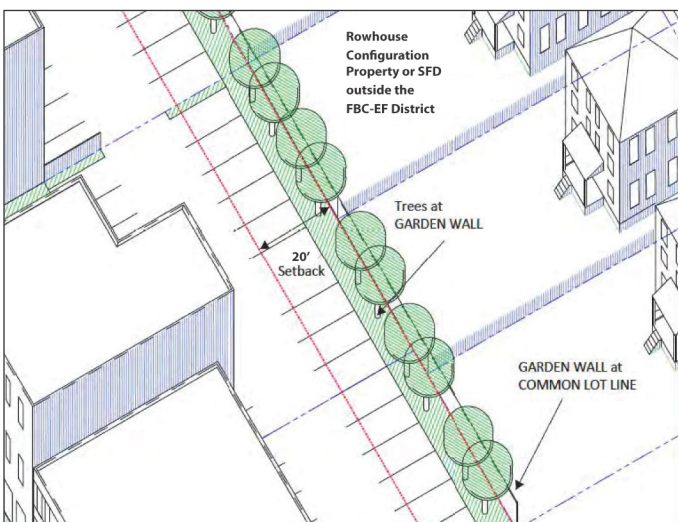


Illustration O. Neighborhood Manners Context



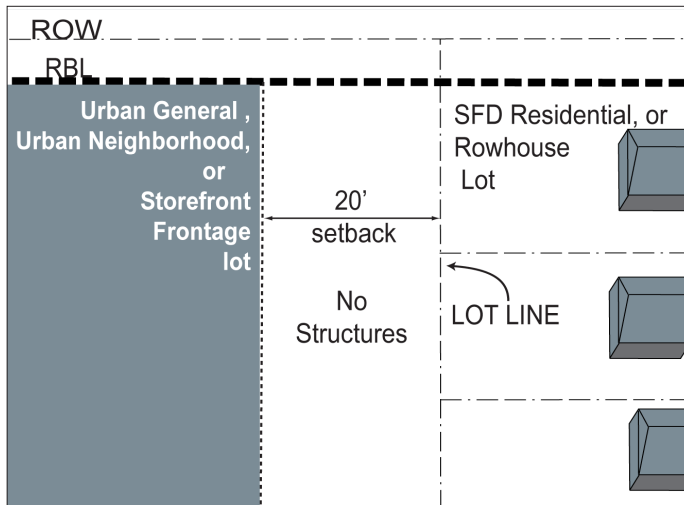


Diagram P1. Neighborhood Manners Setback

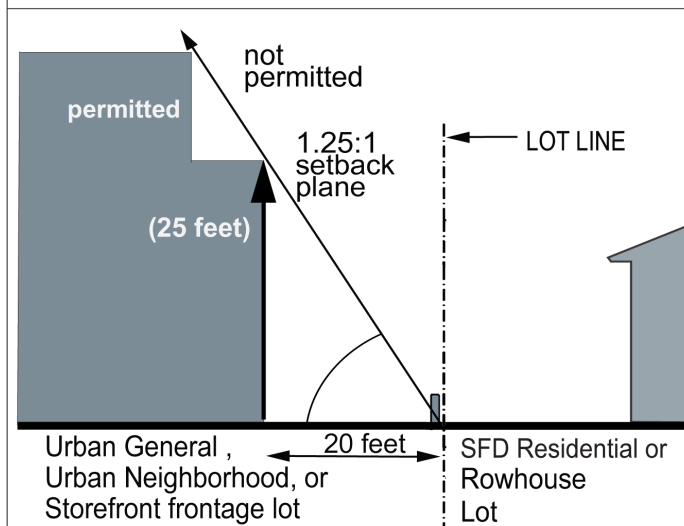


Diagram P2. Neighborhood Manners Setback Plane

### 3. Neighborhood Manners Setback (See Diagram P1):

- There must be a 20' setback from the lot line shared with the pre-existing Rowhouse lots or any residential lots outside of the East Frederick Form-Based Code District. There may be no structures within this area.
- There is a setback plane, beginning at the lot line, extending at a slope of one and one quarter to one (1.25: 1), beyond which no building or structure (including Structured Parking) is approved. (See Diagram P2.)
- Balconies or rear decks above the first STORY level are not approved on building elevations facing and within 40' of any lot triggering the Neighborhood Manners Setback<sup>1</sup>.

- The Neighborhood Manners Setback must be adjusted with any frontage change per D. Frontage Designation Flexibility above.

### G. Historic District Sites

Within 60' of any designated Historic Building, and more than 65' away from an East Street RBL, maximum height is limited to the existing historic (and primary) building's tallest parapet or eaves, plus 10'.

### H. Accessory Dwelling Units (ADU)

- See Section 802 of the Frederick Land Management Codes<sup>2</sup>.
- ACCESSORY DWELLING UNITS are approved for owner-occupied attached single household dwellings only. Properties with ADUs are not considered duplexes. ADUs may take the form of ENGLISH BASEMENTS or in the BUILDABLE AREA at the rear of the lot (often called a *Granny Flat* or, when above a garage, a *Carriage House*).

<sup>1</sup> Note of Intent: This is purposefully not written as "BALCONIES" (small caps = defined term). This addresses privacy concerns, to ensure that no balconies overlook private space/back yards

<sup>2</sup> In the FBC-EF, the only Single-family will be attached (ROWHOUSES), in the Local frontage ADUs make sense

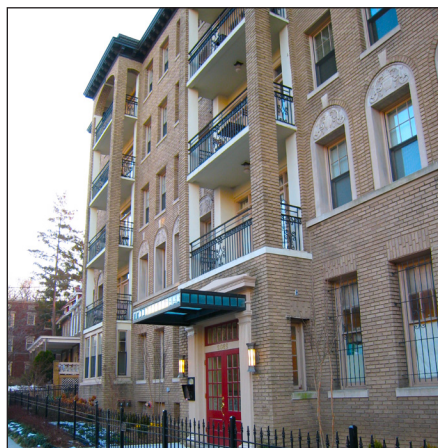
## 3.2 Urban General Frontages

### A. Illustrations and intent

The Urban General frontage is the basic American “downtown” building frontage, once typical in towns and cities across the United States. Multi-story buildings with closely spaced entrances and windows are lined up shoulder to shoulder behind the sidewalk, filling out the BLOCK-FACE.

This frontage is for street-oriented, downtown-type buildings. These building forms can accommodate a range of uses, allowing retail shopfronts, office or residential buildings, and/or mixed-use buildings, with service access and parking lots in the BLOCK interior, accessed from the COMMON DRIVE.

*Note: These photos and statements are provided as illustrations of intent and are advisory only. They are not regulatory. Refer to the standards on the following pages for the specific standards of the Urban General Frontage.*





## 3.2 Urban General Frontages

### B. Example Building Configurations and Placement

*Note: These diagrams illustrate some of the building configurations possible under the Placement standards on the following page. They do not represent fully designed buildings nor do they fully address issues such as parking or the International Building Code. Refer to the following pages for the specific standards of the Urban General Frontage.*

The Urban General and Urban Neighborhood frontage standards provide a great deal of flexibility. Once the minimum height and frontage build-out requirements are met, the building behind the **FACADE** can take most any configuration. The diagrams below, aligned above the Placement Diagram from the frontage standards on the following pages, illustrate a few of the possible configurations possible under these **BUILDING FORM STANDARDS**. The green area represents the required **PRIVATE OPEN AREA** which may be on or above ground, including on the roof.

Note that these diagrams are limited to simple massing and do not represent the pitched roofs that are required (outside of areas used for **PRIVATE OPEN AREA**, green roofs, and mechanical systems).

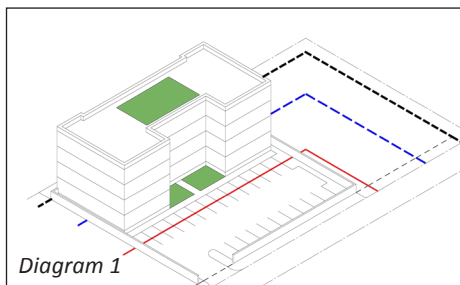


Diagram 1 represents a building with sidewings that project into the rear yard of the building. The rear of the lot contains the parking, accessed from the **COMMON DRIVE**. The green area between the parking and the main building plus the roof area satisfies the **PRIVATE OPEN AREA** requirement.

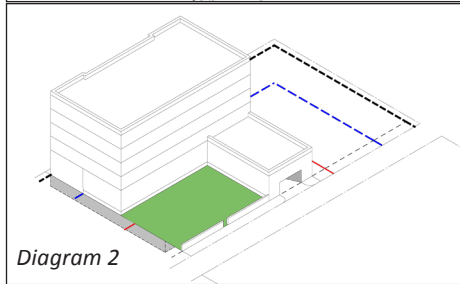


Diagram 2 shows a building with a lower, rear ell section. The **PRIVATE OPEN AREA** requirement is met with a rear yard. This diagram suggests basement-level parking, accessed from the **COMMON DRIVE**. Larger buildings may have to meet parking requirements with a combination of inside/under the building, and/or off-site arrangements.

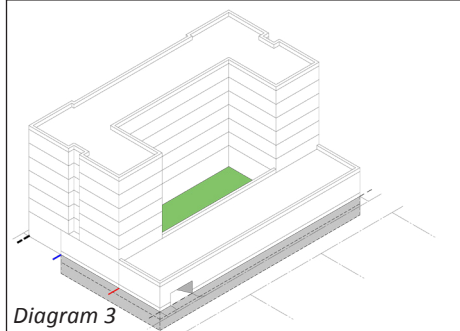


Diagram 3 shows a building with a central courtyard, providing a shared **PRIVATE OPEN AREA** for its occupants. This diagram also suggests two-level parking, under the building, accessed from the **COMMON DRIVE**.

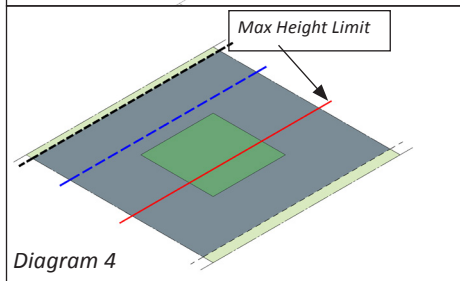
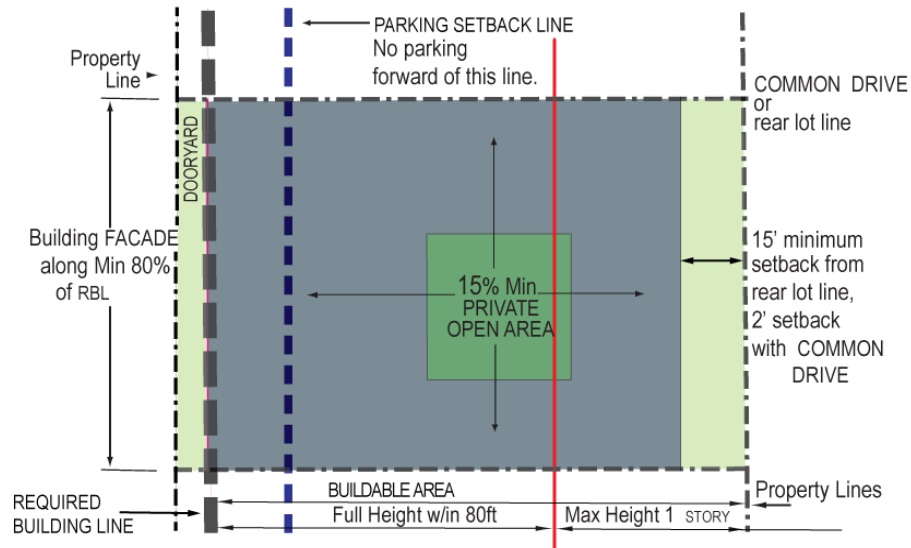


Diagram 4. This is the *Placement Diagram* for the Urban General frontage, re-oriented to match these diagrams, here for reference. The black dashed line is the **REQUIRED BUILDING LINE**, the blue dashed line is the **PARKING SETBACK LINE**, the gray area is the **BUILDABLE AREA**, the red line is a limit to the full height allowance, and the green rectangle within it represents the **PRIVATE OPEN AREA**. This is more fully explained in the **individual frontage standard**.

## 3.2 Urban General Frontages



### C. PLACEMENT

#### 1. FACADE

- On each lot the building FACADE must be built to the REQUIRED BUILDING LINE (RBL) for at least 80% of the RBL length.
- A STREET WALL is required on any unbuilt REQUIRED BUILDING LINE.
- Within 12' of the BLOCK CORNER, the GROUND STORY FACADE may be chamfered to form a corner entry.

#### 2. BUILDABLE AREA

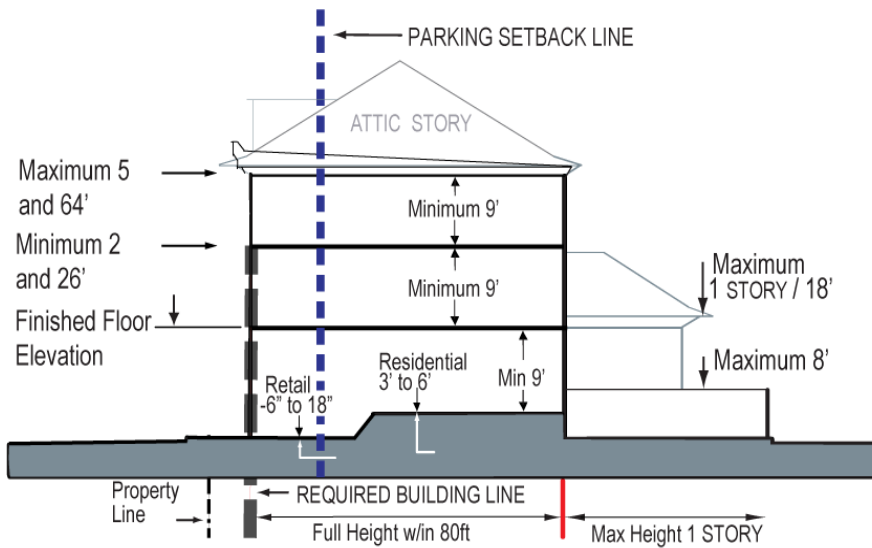
- The BUILDABLE AREA is delineated by the gray area in the diagram above.
- The REQUIRED BUILDING LINE is indicated on the REGULATING PLAN.-The exact position of the RBL should be confirmed in consultation with the Zoning Administrator.
- Setbacks: there are no required side setbacks; rear setbacks are: 2' from a COMMON DRIVE and 15' if no COMMON DRIVE.
- The maximum building footprint is 20,000 Sq Ft.
- The maximum Grocery Store footprint is 40,000 Sq Ft.
- The maximum building frontage length is 200'.
- The minimum building frontage length is 40'.
- A PRIVATE OPEN AREA equal to at least 15% of the BUILDABLE AREA must be provided on every lot.

#### 3. Other

- The PARKING SETBACK LINE is specified on the REGULATING PLAN, generally 30' behind the REQUIRED BUILDING LINE. There are limited exceptions for CORNER LOTS at COMMON DRIVE/RBL intersections. See *F.3.b Rear Lot Area below*.
- A PRIVACY FENCE is approved and may be required. See *Section 3.1.E. Neighborhood Manners*.
- ROWHOUSE configurations are not approved.



## 3.2 Urban General Frontages

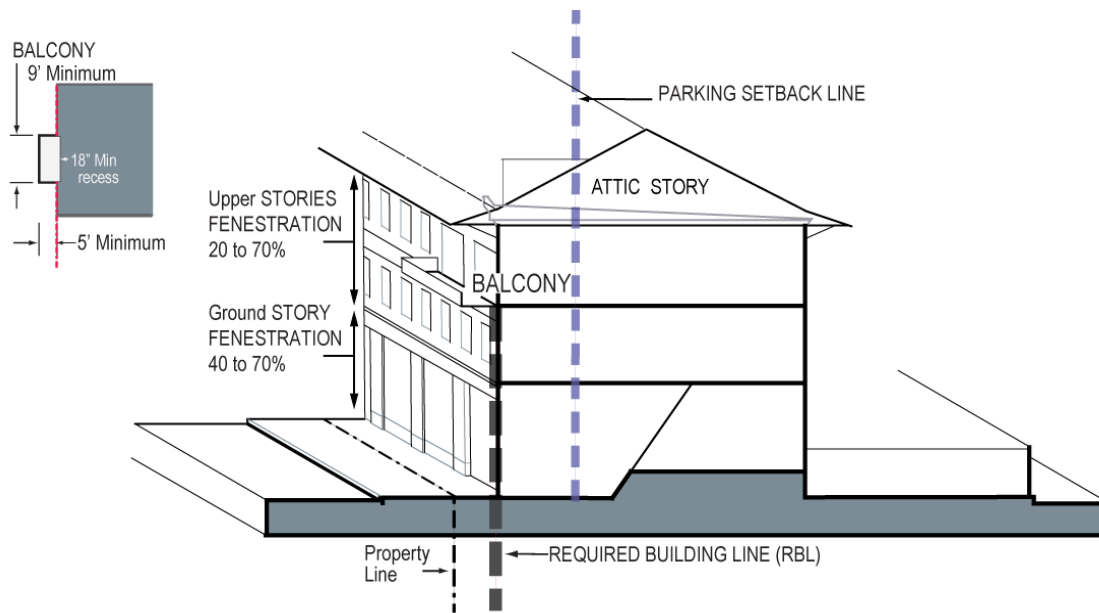


### D. HEIGHT

See Section 3.1.B. for information about measuring height.

1. **Building Height:** minimum at RBL 2 STORIES, maximum 5 STORIES and 64' (see 8. Bonus Story below). STORY heights may be different for specific locations; refer to the REGULATING PLAN.
  - a. The maximum building height applies to the area within 80' of the REQUIRED BUILDING LINE.
  - b. The BUILDABLE AREA that is more than 80' from the REQUIRED BUILDING LINE has a maximum height of 1 STORY and/or 18'. **This does not apply to parking structures, see 3.1 General Standards, B.7 above.**
2. **Ground floor finished elevation**
  - a. For Commercial or Retail: -6" to +18".
  - b. For Residential units within 30' of the REQUIRED BUILDING LINE: 3' to 6'. Entrances may be at sidewalk elevation, with transitions within the building to meet the minimum finished floor elevation for the units. Support functions such as lobbies, rental offices, and club rooms may also be located at grade.
3. **Second STORY floor finished elevation:** 18' to 22'
4. **GROUND STORY finished CLEAR HEIGHT**
  - a. For Commercial or Retail: 13' minimum
  - b. For Residential: 9' minimum
5. **Upper STORIES finished CLEAR HEIGHT:** 9' minimum
6. **STREET WALL:** 4' to 8'
7. **PRIVACY FENCE:** 8' Maximum, measured from adjacent grade (within lot).
8. **Bonus Story:** Where a Bonus Story is awarded by the City, the maximum STORY height will increase by 1 and the Maximum Building Height by 10'.

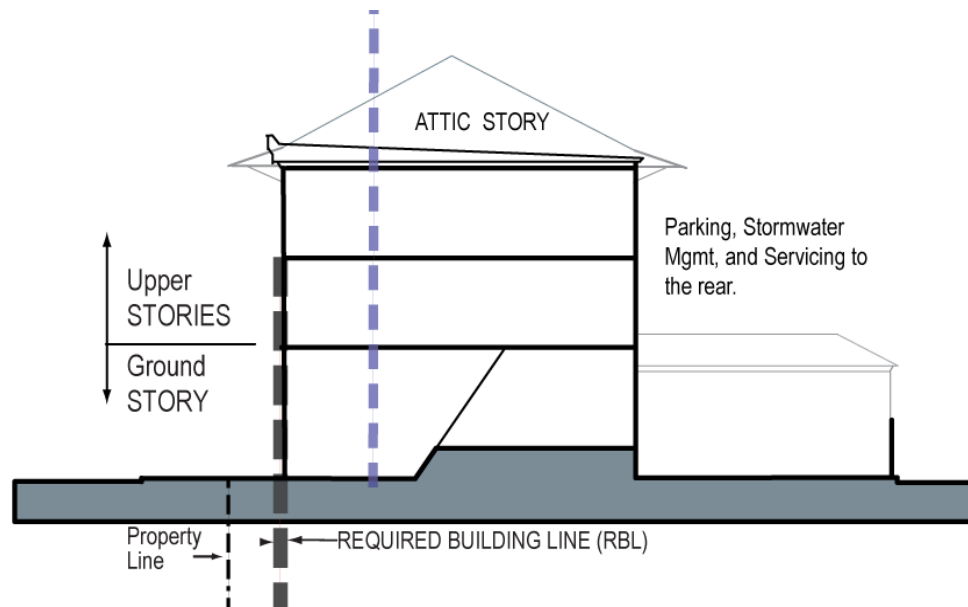
## 3.2 Urban General Frontages



### E. ELEMENTS

1. **FENESTRATION, GROUND STORY:** 40 to 70%
2. **FENESTRATION, upper STORIES:** 20 to 70%
3. **ATTIC STORY:** approved within the parameters of *Sections 3.1.C.3. above and 4.D. Architecture.*
4. **BALCONIES:**
  - a. No less than one third of the dwelling units **that are above the GROUND STORY and** on the **FACADE side** of any building with a frontage width greater than **110'** must have a **BALCONY**. Where the **DOORYARD** dimension is less than 5', the **DOORYARD** depth is the minimum required depth.
  - b. **BALCONIES** that are required and/or used to contribute to the **PRIVATE OPEN AREA** calculation: Minimum depth 5', minimum width 9'. Where the **DOORYARD** dimension is less than 5', **BALCONIES** may not be counted as **PRIVATE OPEN SPACE**.
  - c. **FACADE entry doors:** Maximum door to door distance: 75'. All upper **STORY** uses must be directly accessible from the **STREET-SPACE** through a **FACADE** entry. Unenclosed or partially enclosed exterior staircases may not be used as the primary access for upper **STORY** units
5. **Storefront option:** Note that Urban General frontages have the option of a retail ground story, using the Storefront frontage specifications, *see 3.4 Storefront below.*

## 3.2 Urban General Frontages



### F. USES

1. See **Section 7. Building Functions** for STORY-specific uses, parameters and/or performance standards.
2. **GROUND STORY:** Residential, Office, and Retail uses are permitted. See the Height standards, above for specific configuration standards for GROUND STORY Residential.
3. **Upper STORIES:** Residential or Office, No Retail
  - a. Non-Residential uses are not approved above a Residential use.
  - b. Retail is only approved in a second STORY where it is an extension of a ground story retail business and is no larger in gross floor area than that GROUND STORY retail space.
4. **ATTIC STORY:** Residential or Office. Additional habitable space is approved within the roof where it is configured as an ATTIC STORY.
5. **Rear Lot Area:**
  - a. In addition to the other approved GROUND STORY uses, parking, loading, stormwater management, and service, is approved behind the PARKING SETBACK LINE.
  - b. For lots with a COMMON DRIVE/REQUIRED BUILDING LINE intersection, parking is approved forward of the PSL when<sup>1</sup>:
    - i. it is within a building;
    - ii. the FACADE of the building meets all FBC requirements;
    - iii. the parking area is set back at least 1' off the front of the REQUIRED BUILDING LINE; and
    - iv. within 30' of the rear lot line/COMMON DRIVE.

<sup>1</sup> Note of intent: allowing garages on the COMMON DRIVE/street corner of a Corner Lot.



### 3.3 Urban Neighborhood Frontages

#### A. Illustrations and intent

The Urban Neighborhood frontage is the basic American City building frontage, once typical in towns and cities across the United States. Multi-story buildings with closely spaced entrances, windows and balconies are lined up behind their DOORYARDS, filling out the BLOCK-face.

This frontage is for street-oriented, **urban** buildings. These are residential and/or office building forms, with gardens, service access and parking lots in the BLOCK interior, accessed from the COMMON DRIVE.

*Note: These photos and statements are provided as illustrations of intent and are advisory only. They are not regulatory. Refer to the standards on the following pages for the specific standards of the Urban Neighborhood Building Form Standard.*





### 3.3 Urban Neighborhood Frontages

#### B. Example Building Placement Configurations

*Note: These diagrams illustrate some of the many building configurations possible under the Frontage standards on the following page. They do not represent fully designed buildings nor do they address issues such as parking or the International Building Code. Refer to the following pages for the specific standards of the Building Form Standards.*

The diagrams below, shown on the Placement Diagram from the frontage standards on the following pages, illustrate a few of the configurations possible under the BUILDING FORM STANDARDS. The green area represents the PRIVATE OPEN AREA.

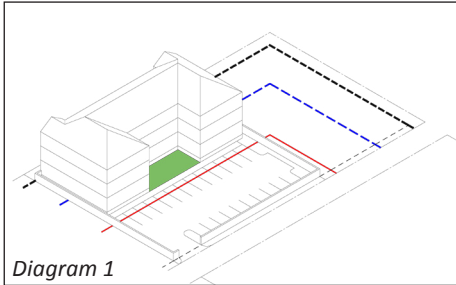


Diagram 1 represents an apartment building. The building has sidewings that project into the rear yard of the building and forms a green court. The rear of the lot has a parking lot, accessed from the COMMON DRIVE. The green court satisfies the PRIVATE OPEN AREA requirement.

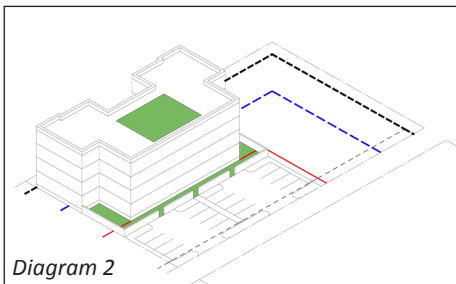


Diagram 2 shows an apartment building with a FORECOURT entry. The FACADE spans enough of the REQUIRED BUILDING LINE to meet its build-out requirement—the forecourt takes advantage of the percentage of the frontage not required to have a building on it. The PRIVATE OPEN AREA is provided on the roof, with additional rear yard area. Parking for the building is directly off the COMMON DRIVE.

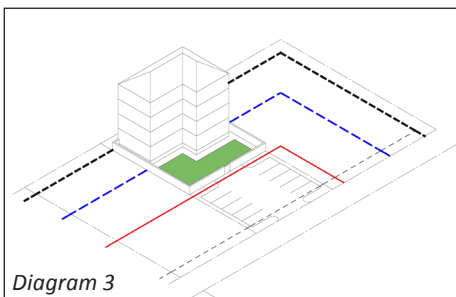


Diagram 3 is a small apartment building. The building is likely configured as a “double-loaded corridor” building with units facing the street or the rear yard. The green area behind the main building satisfies the PRIVATE OPEN AREA requirement with a shared yard. A surface parking lot is accessed from the COMMON DRIVE.

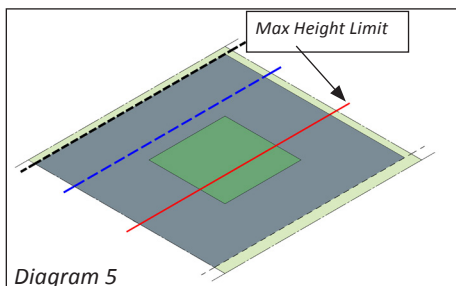
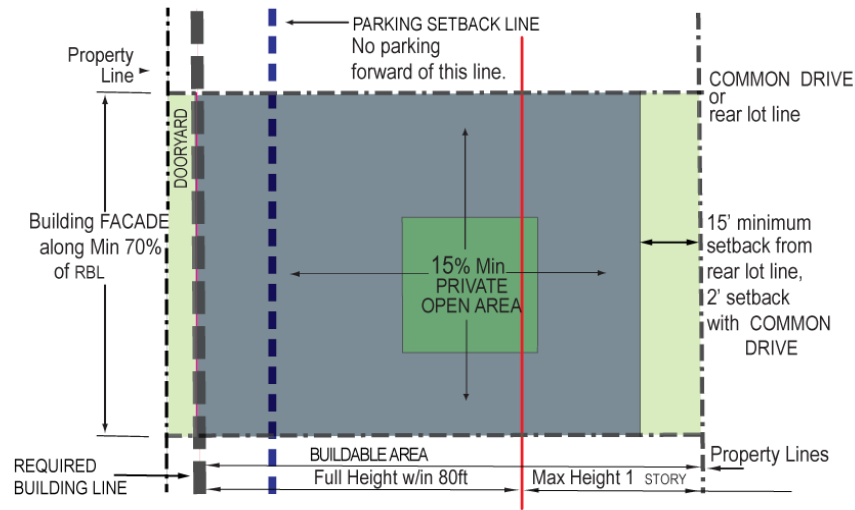


Diagram 5. This is the *Placement Diagram* for the Urban Neighborhood frontage, re-oriented to match these diagrams, here for reference. The black dashed line is the REQUIRED BUILDING LINE, the blue dashed line is the PARKING SETBACK LINE, the gray area is the BUILDABLE AREA, the red line is a limit to the full height allowance, and the green rectangle within it represents the PRIVATE OPEN AREA. This is more fully explained in the frontage standard itself, located on the following pages.

### 3.3 Urban Neighborhood Frontages



## C. PLACEMENT

### 1. FACADE

- The building FACADE must be built to the REQUIRED BUILDING LINE (RBL) for at least 70% of the RBL length.
- A STREET WALL is required on any unbuilt REQUIRED BUILDING LINE.
- Within 12' of the BLOCK CORNER, the GROUND STORY FACADE may be chamfered to form a corner entry.
- A FORECOURT configuration may be used within the minimum build-to parameters provided:
  - all elevations facing the FORECOURT are regulated as FACADES;
  - the FORECOURT depth is no more than 20' and the width between 15' and 30';
  - the FORECOURT may not be used for parking, drop-off driving area or storm-water management;
- A FORECOURT opening does not require a STREET WALL.

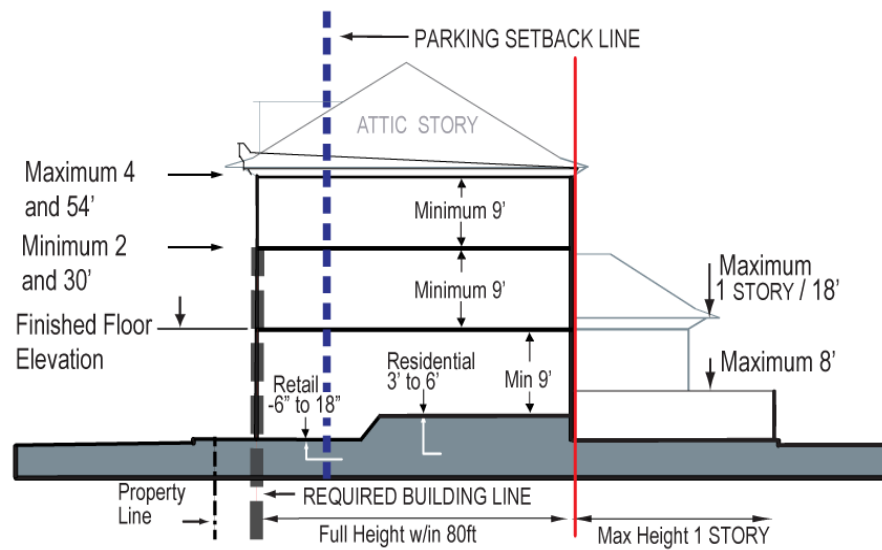
### 2. BUILDABLE AREA

- The BUILDABLE AREA is delineated by the gray area in the diagram above.
- The REQUIRED BUILDING LINE is indicated on the REGULATING PLAN. The exact position of the RBL should be confirmed in consultation with the Zoning Administrator.
- Setbacks: there are no required side setbacks; rear setbacks are: 2' from a COMMON DRIVE and 15' if no COMMON DRIVE.
- The maximum building footprint is 15,000 Sq Ft.
- The maximum Grocery Store footprint is 30,000 Sq Ft.
- The maximum building frontage length is 140'
- The minimum building frontage length is 30'
- PRIVATE OPEN AREA equal to at least 15% of the BUILDABLE AREA must be provided on every lot.

### 3. Other

- The PARKING SETBACK LINE is indicated on the REGULATING PLAN, generally 30' behind the REQUIRED BUILDING LINE. There are limited exceptions for CORNER LOTS at COMMON DRIVE/RBL intersections. See *F.3.b Rear Lot Area below*.
- A PRIVACY FENCE is approved and may be required. See *Section 3.1.F. Neighborhood Manners*.
- ROWHOUSE configurations are not approved.

### 3.3 Urban Neighborhood Frontages

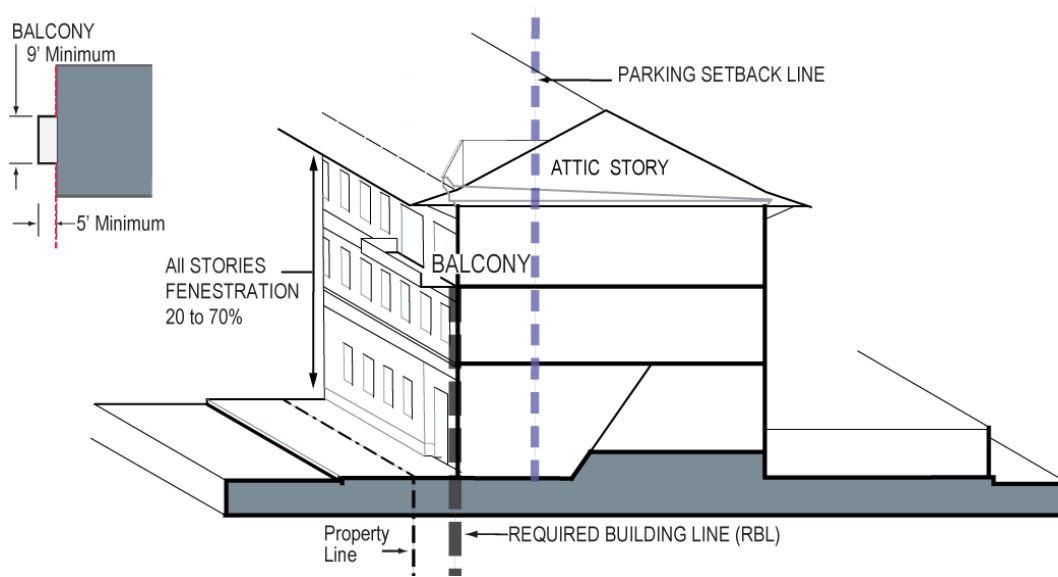


#### D. HEIGHT

See *Section 3.1.B.* for information about measuring height.

1. **Building Height.** Minimum at RBL 2 STORIES, maximum **4 STORIES and 54'** (see 7 below). STORY heights may be different for specific locations; refer to the REGULATING PLAN.
  - a. The maximum building height applies to the area within 80' of the REQUIRED BUILDING LINE.
  - b. BUILDABLE AREA that is more than 80' from the REQUIRED BUILDING LINE has a maximum height of 1 story and/or 18'. **This does not apply to parking structures, see 3.1 General Standards, B.7 above.**
2. **Ground STORY floor finished elevation.**
  - a. For Commercial or Retail: -6" to +18".
  - b. For Residential units within 30' of the REQUIRED BUILDING LINE: 3' to 6'. Entrances may be at sidewalk elevation, with transitions within the building to meet the minimum finished floor elevation for the units. Support functions such as lobbies, rental offices, and club rooms may be located at grade.
3. **Second STORY floor finished elevation: 18' to 22'**
4. **GROUND STORY finished CLEAR HEIGHT.**
  - a. **For Commercial or Retail: 13' minimum**
  - b. **For Residential: 9' minimum**
5. **UPPER STORIES finished CLEAR HEIGHT: 9' minimum**
6. **STREET WALL: 4' to 8.**
7. **PRIVACY FENCE: 8' Maximum, measured from adjacent grade (within lot).**
8. **Bonus Story:** Where a Bonus Story is awarded by the City, the maximum STORY height will increase by 1 and the maximum building height by 10'.

### 3.3 Urban Neighborhood Frontages

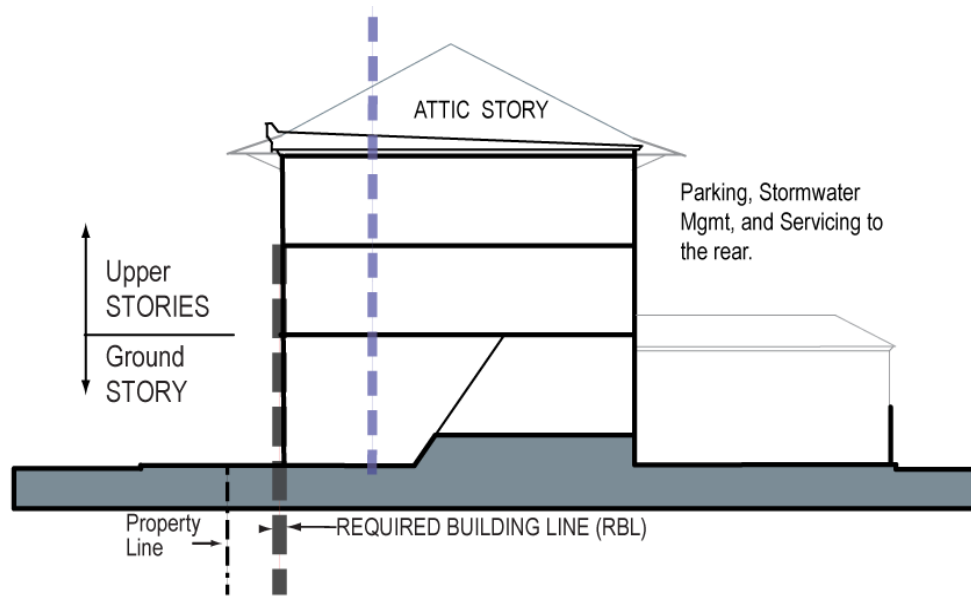


#### E. ELEMENTS

1. **FENESTRATION,** All STORIES: 20 to 70%
2. **ATTIC STORY:** approved within the parameters of *Section 3.C.3.* above and *Section 4.D. Architecture.*
3. **BALCONIES:**
  - a. No less than one third of the dwelling units **that are above the GROUND STORY and on the FACADE side** of any building with a FACADE width greater than 100' must have a BALCONY. Where the DOORYARD dimension is less than 5', the DOORYARD depth is the minimum required depth.
  - b. BALCONIES that are required and/or a used to contribute to the PRIVATE OPEN AREA calculation: minimum depth 5', minimum width 9'. Where the DOORYARD dimension is less than 5', BALCONIES may not be counted as PRIVATE OPEN SPACE.
4. **FACADE Entry doors:** Maximum door to door distance: 80'  
All upper STORY uses must be directly accessible from the STREET-SPACE through a FACADE entry. Unenclosed or partially enclosed exterior staircases may not be used as the primary access for upper STORY units.
5. **Storefront option:** Note that Urban Neighborhood frontages have the option of a retail ground story, using the Storefront frontage specifications, *see 3.4 Storefront frontage below.*



### 3.3 Urban Neighborhood Frontages



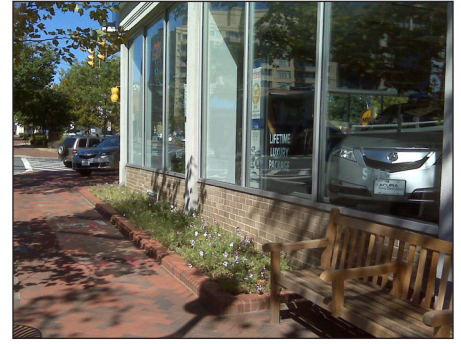
#### F. USES

1. See **Section 7. Building Functions** for STORY-specific uses, parameters and/or performance standards.
2. **GROUND STORY:** Residential, **Office**, and **Retail** uses are permitted. See the Height standards, above for specific configuration standards for GROUND STORY Residential.
3. **Upper STORIES:** **Residential or Office**, No Retail.
  - a. Non-Residential uses are not approved above a Residential use.
  - b. Retail is only approved in a second STORY where it is an extension of a GROUND STORY retail business and is no larger in gross floor area than that GROUND STORY retail space.
4. **ATTIC STORY:** Residential or Office. Additional habitable space is approved within the roof where it is configured as an ATTIC STORY.
5. **Rear Lot Area:**
  - a. In addition to the other approved GROUND STORY uses, parking, loading, stormwater management, and service, is approved behind the PARKING SETBACK LINE.
  - b. For lots with a COMMON DRIVE/REQUIRED BUILDING LINE intersection, parking is approved forward of the PSL when<sup>1</sup>:
    - i. it is within a building;
    - ii. the FACADE of the building meets all requirements;
    - iii. the parking area is setback at least 1' off the front of the REQUIRED BUILDING LINE; and
    - iv. within 30' of the rear lot line/COMMON DRIVE.

<sup>1</sup> Note of intent: allowing garages on the COMMON DRIVE/street corner of the lot.

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### 3.4 Storefront Frontage



#### A. Illustrations and intent

*Note: These photos and statements are provided as illustrations of intent and are advisory only. They are not regulatory. Refer to the standards on this page and the previous pages for the specific rules of the Storefront Building Form Standard.*

This is the quintessential American “main street” frontage, with retail and restaurant uses on the ground floor and residences or offices upstairs. The overall building form is the same as the Urban General frontage, but with large SHOPFRONT windows across the ground floor FACADE and frequent entrances along the street.

#### B. Storefront Frontage Specifications

Where the Storefront frontage is designated on the regulating plan, the GROUND STORY configuration must be that of a SHOPFRONT. The BFS standards for Urban General apply with the following exceptions and modifications:

1. **FENESTRATION:** GROUND STORY: 70% to 90%
2. **GROUND STORY uses:** Within 30' of the REQUIRED BUILDING LINE, uses are limited to retail sales and service, and Restaurant. A lobby and/or entry, serving an upper STORY use, is approved on the GROUND STORY. At the owner's discretion, the lobby or entry portion of the FACADE may be governed by the Urban General or the Storefront frontage standards. See Section 7. Building Functions for specific parameters and/or performance standards.
3. **SHOPFRONT Encroachment:** Up to 3'. The SHOPFRONT may encroach beyond the REQUIRED BUILDING LINE into the DOORYARD, but not into the CLEAR WALKWAY or right of way.
4. **FACADE Entry Doors:** Maximum door to door: 60'
5. **Height:** the STORY height limits are the same as the Urban General frontage. When an Urban General or Urban Neighborhood frontage chooses the option of a retail GROUND STORY, using the Storefront frontage specifications, the building height limits are the same as the underlying frontage. Note that heights may be different for specific locations; refer to the REGULATING PLAN and City staff.

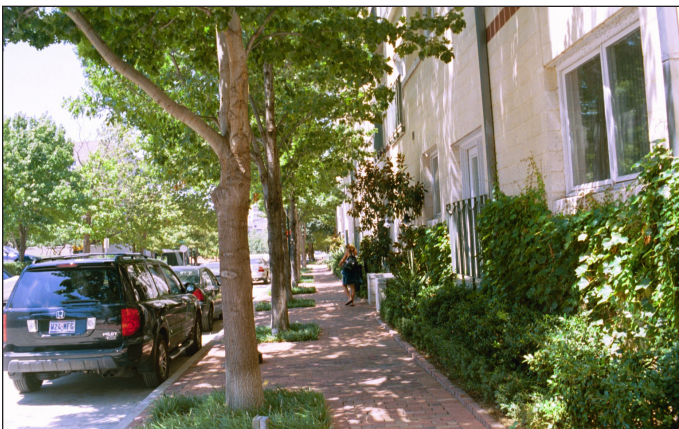


## 3.5 Local Frontages

### A. Illustrations and intent

This frontage follows the form of the *Downtown Frederick* residential buildings. Local frontages support a smaller building scale, including the classic Frederick ROWHOUSE and small apartment buildings.

*Note: These photos and statements are provided as illustrations of intent and are advisory only. They are not regulatory. Refer to the standards on the following pages for the specific standards of the Urban Neighborhood Building Form Standard.*





## 3.5 Local Frontages

### B. Example Building Placement Configurations

*Note: These diagrams illustrate some of the many building configurations possible under the Frontage standards on the following page. They do not represent fully designed buildings nor do they address issues such as parking or the International Building Code. Refer to the following pages for the specific standards of the Building Form Standards.*

The diagrams below, shown on the Placement Diagram from the frontage standards on the following pages, illustrate a few of the possible configurations a building can take under the BUILDING FORM STANDARDS. The green area represents the PRIVATE OPEN AREA.

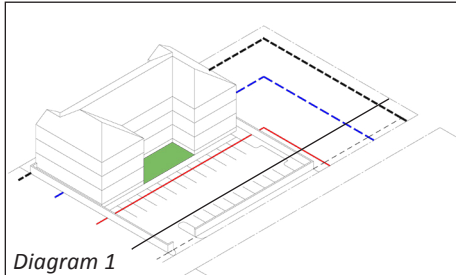


Diagram 1 represents a small apartment building. The building has sidewings that project into the rear yard of the building. The rear of the lot has a parking shed, accessed from the COMMON DRIVE. The green area between the parking shed and the main building satisfies the PRIVATE OPEN AREA requirement.

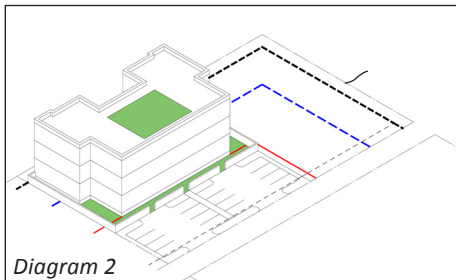


Diagram 2 shows an apartment building. The FACADE spans most of the REQUIRED BUILDING LINE to meet its build-out requirement—the entry recess takes advantage of the percentage of the frontage not required to have a building on it. The PRIVATE OPEN AREA is provided on the roof, with additional rear yard area. Parking for the building is directly off the COMMON DRIVE.

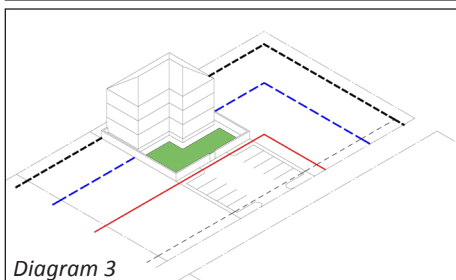


Diagram 3 is a small apartment building. The building is likely configured as a “double-loaded corridor” building with units facing the street or the rear yard. The green area behind the main building satisfies the PRIVATE OPEN AREA requirement with a shared yard. A surface parking lot is accessed from the COMMON DRIVE.

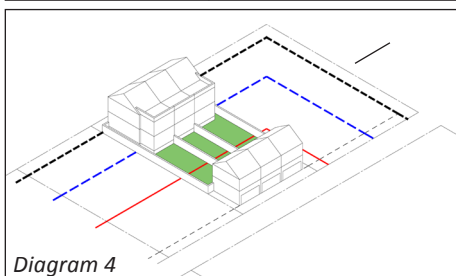


Diagram 4 is a set of three ROWHOUSES. The buildings are attached single-family units, with each unit on a separate lot, or they may be a multi-unit building on a single lot. The area at the rear of each ROWHOUSE has 2 ground level parking spaces with an accessory dwelling unit (ADU) or extra room above the garage. Each ROWHOUSE has a DOORYARD, with its PRIVATE OPEN AREA provided by a rear yard and/or rear terrace.

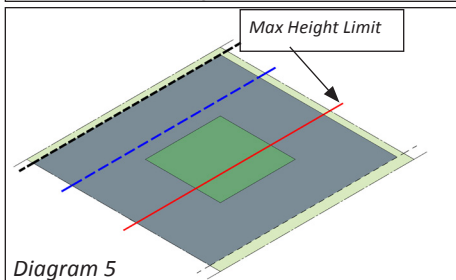
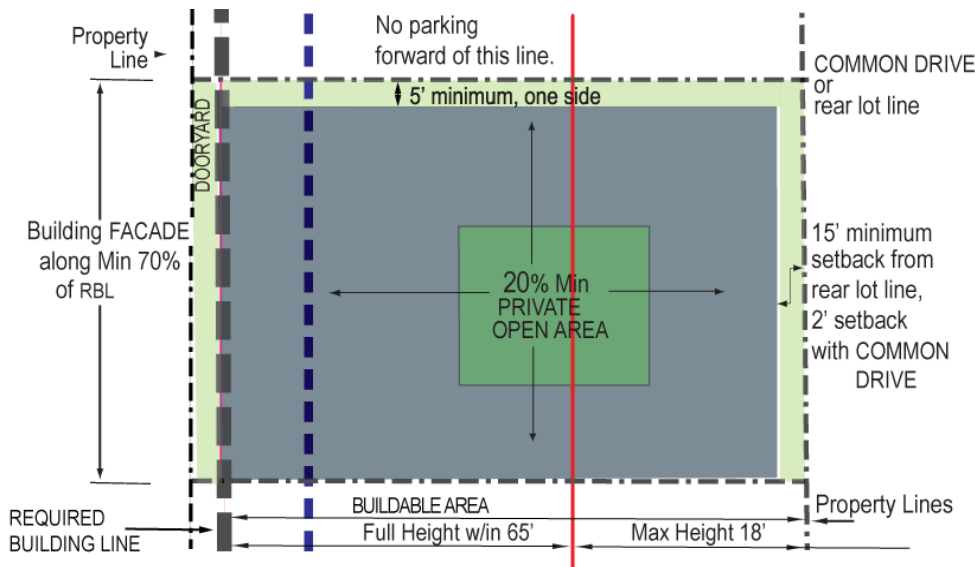


Diagram 5. This is the *Placement Diagram* for the Local frontage, oriented to match these diagrams, here for reference. The black dashed line is the REQUIRED BUILDING LINE, the blue dashed line is the PARKING SETBACK LINE, the gray area is the BUILDABLE AREA, the red line is a limit to the full height allowance, and the green rectangle within it represents the PRIVATE OPEN AREA. This is more fully explained in the frontage standard itself, located on the following pages.

## 3.5 Local Frontages



### C. PLACEMENT

#### 1. FACADE

- On each lot the building FACADE must be built-to the REQUIRED BUILDING LINE (RBL) for at least 70% of the RBL length.
- A STREET WALL is required on any unbuilt REQUIRED BUILDING LINE.

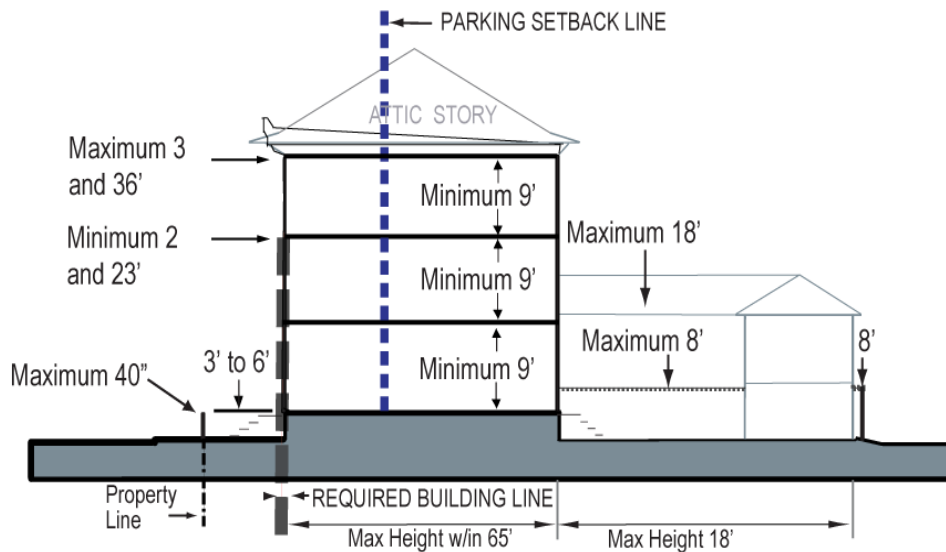
#### 2. BUILDABLE AREA

- The BUILDABLE AREA is delineated by the gray area in the diagram above. The main portion of the BUILDABLE AREA is within 65' of the RBL.
- The REQUIRED BUILDING LINE is indicated on the REGULATING PLAN. The exact position of the RBL should be confirmed in consultation with the Zoning Administrator.
- Setbacks\*: side setback, 5' from one side; rear setbacks are: 2' from a COMMON DRIVE, 15' if no COMMON DRIVE.
- The maximum building footprint\* is 7,000 Sq Ft.
- Maximum FACADE: No individual structure may exceed a FACADE frontage length of 80'. A gap of at least 8' is required between each building or set of ROWHOUSES. (Maximum FACADE: for ROWHOUSES, this applies to the group of attached ROWHOUSES, not to individual units.)
- Minimum FACADE: 20' building frontage length.
- A PRIVATE OPEN AREA equal to at least 20% of the BUILDABLE AREA must be provided on every lot. The PRIVATE OPEN AREA must be at grade, except BALCONIES and extremely shallow lots, as specified in *h.* below;
- The PRIVATE OPEN AREA for lots with less than 70' from the REQUIRED BUILDING LINE to the rear setback, may be above grade. Such lots may be no more than 1/3rd of any development project or project phase.
- Where a FRONT PORCH (minimum 60% of the FACADE width) is used, the effective REQUIRED BUILDING LINE is set back 7' from its location on the REGULATING PLAN. For corner lots, only the frontage with a FRONT PORCH is changed. Where the depth of the DOORYARD is less than the required minimum dimension, see E.5 below, the FRONT PORCH option is NA.

#### 3. Other

- The PARKING SETBACK LINE is indicated on the REGULATING PLAN, generally 30' behind the REQUIRED BUILDING LINE. There are limited exceptions for CORNER LOTS at COMMON DRIVE/RBL intersections. See *F.3.b Rear Lot Area* below.
- A PRIVACY FENCE is permitted on COMMON LOT LINES, at or behind the REQUIRED BUILDING LINE, and on rear lot lines.

## 3.5 Local Frontages



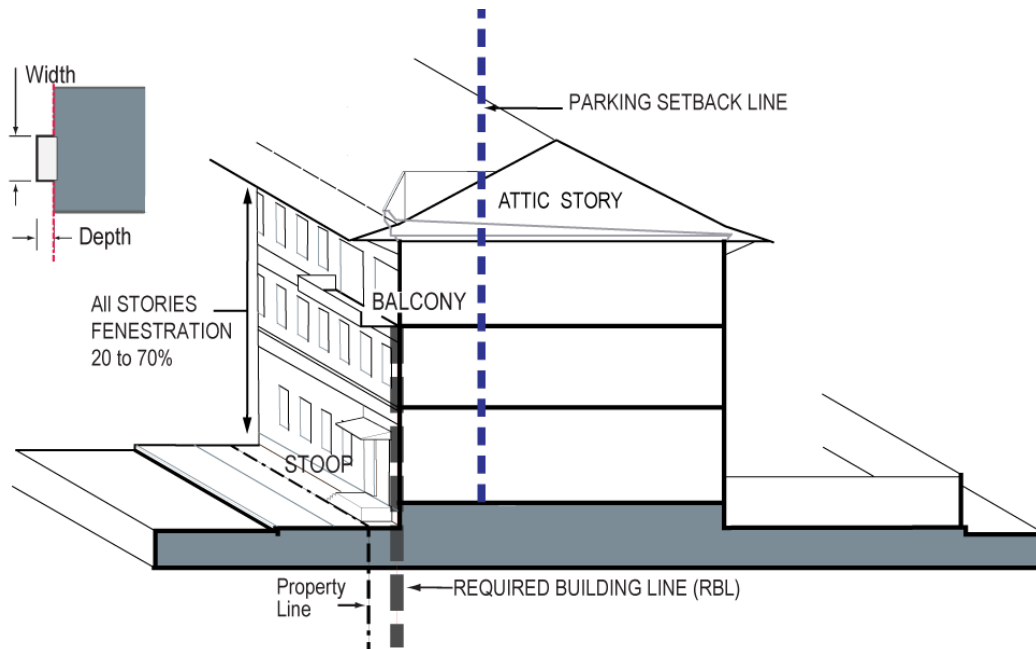
### D. HEIGHT

See *Section 3.1.B.* for information about measuring height.

1. **Building Height.** Minimum at RBL, 2 STORIES and 26', maximum 3 STORIES and 36'.
  - a. The maximum height applies to the area within 65' of the REQUIRED BUILDING LINE.
  - b. The BUILDABLE AREA that is more than 65' from the REQUIRED BUILDING LINE has a maximum height of 18'.
2. **First floor finished elevation.** Residential units within 30' of the REQUIRED BUILDING LINE: 3' to 6'. Entrances may be at grade, with transitions within the building to meet the minimum finished floor elevation for the units. Support functions such as lobbies and entry foyers may be located at grade. This does not prohibit an ACCESSORY UNIT in an ENGLISH BASEMENT form.
3. **DOORYARD wall or fence:**<sup>1</sup> permitted, maximum 40". This is an optional low garden wall or fence surrounding the DOORYARD area
4. **First STORY finished CLEAR HEIGHT.** 9' minimum
5. **Upper STORIES finished CLEAR HEIGHT:** 9' minimum
6. **STREET WALL:** 4' to 8'.
7. **DOORYARD wall or fence:** permitted, maximum 40". This is an optional low garden wall or fence surrounding the DOORYARD area. See *Section 4. Architectural Standards, I. Street Walls and Fences.*
8. **PRIVACY FENCE:** 8' Maximum, measured from adjacent grade (within lot).
9. **FRONT PORCH or STOOP:** the floor elevation of any FRONT PORCH or STOOP must be within 6" of the GROUND STORY interior finished floor elevation.

<sup>1</sup>This is a low garden wall surrounding the DOORYARD area. For this frontage the DOORYARD may be raised.

## 3.5 Local Frontages



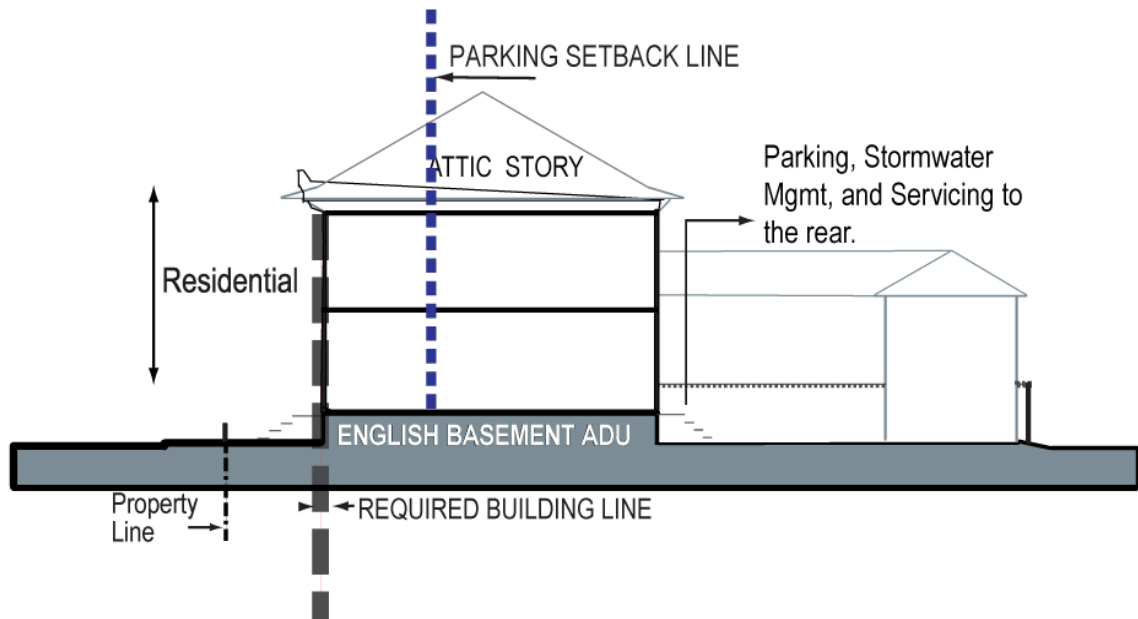
### E. ELEMENTS

1. **FENESTRATION, all STORIES:** 20 to 70%
2. **ATTIC STORY:** approved within the parameters of *Sections 3.C.3. above and 4.D. Architecture.*
3. **BALCONIES:** BALCONIES that are used to contribute to the PRIVATE OPEN AREA calculation: Minimum depth 5', minimum width 7'. Where the DOORYARD dimension is less than 5', BALCONIES are not available as PRIVATE OPEN SPACE.
4. **FACADE entry doors:** Maximum door to door distance: 80'  
All upper STORY uses must be directly accessible from the STREET-SPACE through a FACADE entry. Unenclosed or partially enclosed exterior staircases may not be used as the primary access for upper STORY units.
5. **A STOOP OR FRONT PORCH<sup>1</sup>** is required:
  - a. **STOOP:** for ROWHOUSES and other frontages less than 30' in width, width 4' to 6', depth 3' to 5'. For all others, width 10' to 15', depth 6' to 8'; For ROWHOUSE or duplex configurations this requirement applies to each ROWHOUSE or to each unit for a duplex.
  - b. **FRONT PORCH:** minimum width 60% of the FACADE, minimum depth 7'
  - c. Where the depth of the DOORYARD is less than the required minimum dimension, *see C.2.e below*, this requirement is NA. The transition to meet the minimum finished floor elevation **may** be within the building.

<sup>1</sup> *STOOPS and FRONT PORCHES, by definition, encroach into the DOORYARD.*



## 3.5 Local Frontages



### F. USES

1. See **Section 7. Building Functions** for STORY-specific uses, parameters and/or performance standards.
2. **ALL STORIES:** Residential, and **limited (max 500sqft)** Office uses are permitted.
3. **ATTIC STORY:** Residential or Office. Additional habitable space is approved within the roof where it is configured as an ATTIC STORY.
4. **ENGLISH BASEMENT ADU:** for ROWHOUSE configurations an ENGLISH BASEMENT ADU is approved below the first STORY and within 65' of the RBL, **or as a carriage house above a garage at the rear of the lot.**
5. **Rear Lot Area:**
  - a. In addition to the other approved GROUND STORY uses, parking and loading is approved behind the PARKING SETBACK LINE (PSL).
  - b. For lots with a COMMON DRIVE/REQUIRED BUILDING LINE intersection, parking is approved forward of the PSL when<sup>1</sup>:
    - i. it is within a building;
    - ii. the FACADE of the building meets all requirements;
    - iii. the parking area is setback at least 1' off the REQUIRED BUILDING LINE; and
    - iv. it is within 30' of the rear lot line/COMMON DRIVE **intersection.**

<sup>1</sup> Note of intent: allowing garages on the COMMON DRIVE/street corner of a CORNER LOT.

## 3.6. Tech-Shop Frontage

### A. Illustrations and intent

*Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Building Envelope Standard.*

The Tech-Shop standard accommodates technology, manufacturing and repair—including artisans—within the urban fabric. These structures are of limited height and are built to the fronting sidewalk. Office, lobby, entry rooms are at the front of the building with windows and doors to the street. Exterior work areas, parking and loading are confined to areas behind the building and/or STREET WALL, and at the center/interior of the BLOCK.



## 3.6. Tech-Shop Frontage

### B. Example Building Placement Configurations

*Note: These diagrams illustrate some of the many building configurations possible under the Frontage standards on the following page. They do not represent fully designed buildings nor do they address issues such as parking or the International Building Code. Refer to the following pages for the specific standards of the Building Form Standards.*

The diagrams below, shown on the Placement Diagram from the frontage standards on the following pages, illustrate a few of the possible configurations a building can take under the BUILDING FORM STANDARDS. The area behind the building is the WORK COURT AREA.

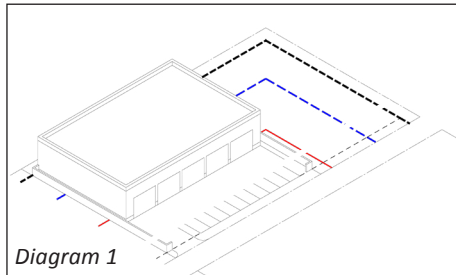


Diagram 1 represents a single Tech-Shop frontage building, a simple rectangle. The area behind the building is the WORK COURT. Parking and the WORK COURT is accessed from the COMMON DRIVE.

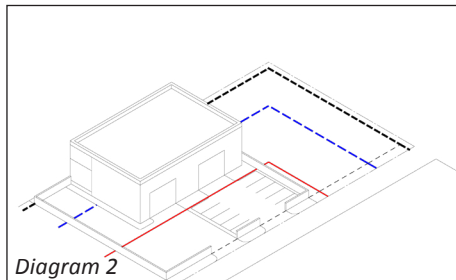


Diagram 2 shows a Tech-Shop frontage building with a rear and side WORK COURT. Note that the area beside the building and forward of the parking setback line (blue) cannot be used as the work court—it may be used as open space. Parking and loading is directly off the COMMON DRIVE.

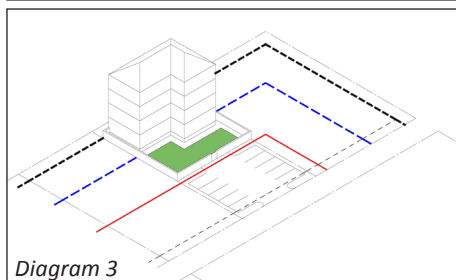


Diagram 3 is a building with its WORK COURT separate from its parking area. This may be more appropriate for businesses that have off street customer parking. Parking and loading is directly off the COMMON DRIVE.

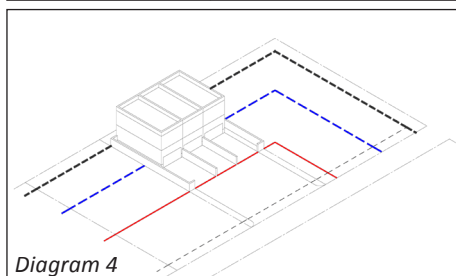


Diagram 4 is a set of three small Tech-Shop frontage buildings, as might be built on spec. Each building is a separate unit, each with its own WORK COURT and a parking area.

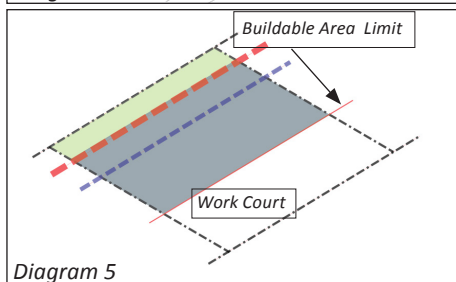
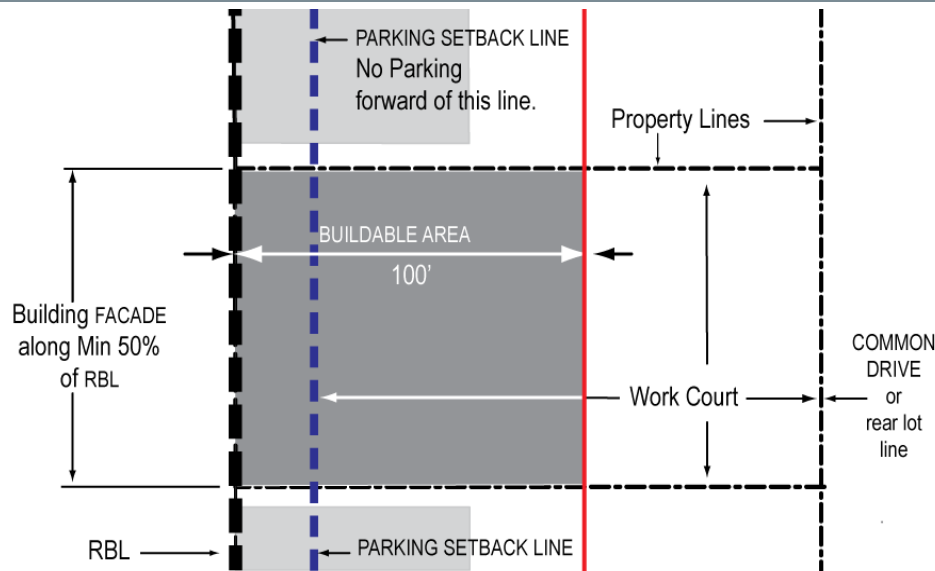


Diagram 5. This is the *Placement Diagram* for the Tech-Shop frontage, oriented to match these diagrams, here for reference. The black dashed line is the REQUIRED BUILDING LINE, the blue dashed line is the PARKING SETBACK LINE, the gray area is the BUILDABLE AREA, the red line is a limit to the full height allowance, and the white area represents the WORK COURT AREA. This is more fully explained in the frontage standard itself, located on the following pages.



## 3.6. Tech-Shop Frontage



### C. PLACEMENT

#### 1. FACADE

- On each lot the building FACADE must be built to the REQUIRED BUILDING LINE (RBL) for at least 50% of the RBL length.
- A STREET WALL is required on any unbuilt REQUIRED BUILDING LINE.
- In case of conflict, these standards supersede vision triangle requirements in the Frederick Public Works Specifications.

#### 2. BUILDABLE AREA

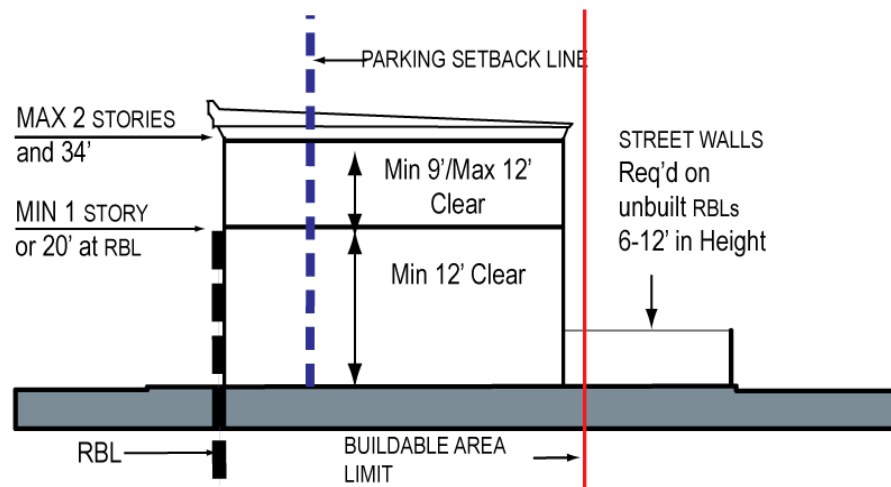
- The BUILDABLE AREA is delineated by the gray area in the diagram above.
- The REQUIRED BUILDING LINE is indicated on the REGULATING PLAN. The exact position of the RBL should be confirmed in consultation with the Zoning Administrator.
- Setbacks: there are no required side or rear setbacks except as may be set by NEIGHBORHOOD MANNERS.
- The area behind the PARKING SETBACK LINE may be used for loading, storage, circulation and/or as a WORK COURT.
- The maximum building footprint is 20,000 Sq Ft.
- The maximum frontage length for a FACADE is 200'
- The minimum frontage length is 30'
- A WORK COURT equal to at least 20% of the BUILDABLE AREA must be provided on every lot.

#### 3. Other

- The PARKING SETBACK LINE is indicated on the REGULATING PLAN, generally 30' behind the REQUIRED BUILDING LINE.
- Garage doors may not be located on the RBL/FACADE.
- A PRIVACY FENCE is approved and is required when adjacent to any frontage that is not Tech-Shop. See also *Section 3.1.E. Neighborhood Manners*.
- Accessory buildings, no more than 12' in height and covering no more than 20% of the WORK COURT/open lot area, are approved behind the BUILDABLE AREA.



## 3.6. Tech-Shop Frontage

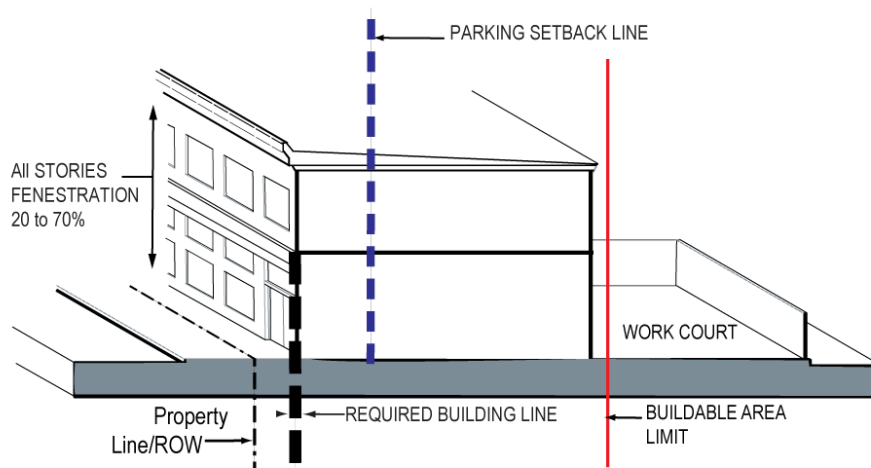


### D. HEIGHT

See Section 3.1.B. for information about measuring height.

1. **Building Height.** Minimum at RBL, 1 STORY and 20', maximum 2 STORIES and 34'.
  - a. The maximum building height applies to the area within 100' of the REQUIRED BUILDING LINE.
  - b. BUILDABLE AREA. This does not apply to structured parking, see 3.1 General Standards, B.7 above.
2. **Ground floor finished elevation.** Within 30' of the REQUIRED BUILDING LINE: 0' to 2' (excepting as may be required for flood or storm-water requirements).
3. **GROUND STORY finished CLEAR HEIGHT.** 12' minimum
4. **Upper STORIES finished clear height:** 9' minimum
5. **STREET WALL:** 6' to 10'.
6. **PRIVACY FENCE:** 8' Maximum, measured from adjacent grade (within lot).

## 3.6. Tech-Shop Frontage



### E. ELEMENTS

#### 1. FENESTRATION

- a. All STORIES: 20 to 70%
- b. Blank lengths of wall exceeding 35' are prohibited on all REQUIRED BUILDING LINES (RBL).

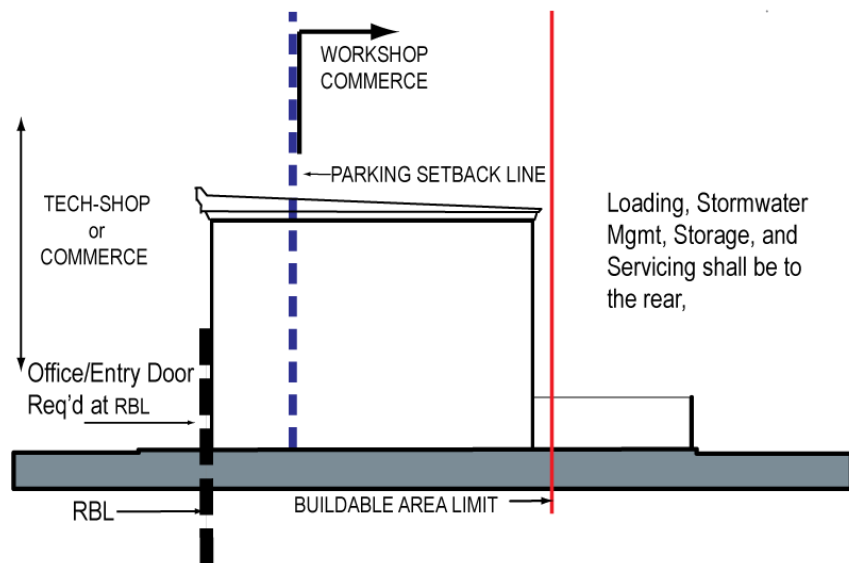
#### 2. ATTIC STORY: approved within the parameters of *Section 3.C.3.* above and *Section 4.D.*

#### 3. FACADE entry doors: Maximum door to door distance: 180'

#### 4. STREET WALLS: One access gate no wider than 30' and one pedestrian entry gate no wider than 5' shall be permitted for each 80' of STREET WALL.

#### 5. ROOFS: "Flat" roofs are allowed for Tech-Shop frontages without the stipulations in *Section 4 Architectural Standards, D.6.*

### 3.6. Tech-Shop Frontage



#### F. USES

1. See **Section 7. Building Functions** for STORY-specific uses, parameters and/or performance standards.
2. **FACADE:** Office and/or maker space<sup>1</sup> is required coincident with the FACADE, minimum 20' frontage width and 200 sqft.
3. **RESIDENTIAL:** Residential uses are limited to 900 sqft.
4. **ATTIC STORY:** Residential or Office. Additional habitable space is approved within the roof where it is configured as an ATTIC STORY.
5. **WORK COURT Area:** General business operations, storage, parking, loading, service.

<sup>1</sup> (intent—on site produced retail operations)

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## Section 4. Architectural Standards

### A. General Purpose and Intent

The primary purposes of the *Architectural Standards*, working in tandem with *Section 3. Building Form Standards*, is to complement and reinforce the pedestrian environment and STREET-SPACE of the East Frederick Form-Based Code District through the application of high quality materials and architectural designs. These standards are intended to result in construction that is simple and functional, includes sustainable elements, and that will result in quality development that uses durable materials. A wide range of architectural expressions, from traditional to contemporary, can be achieved through these standards. New buildings, through application of these standards, should create an appropriately cohesive District.

These *Architectural Standards* include the basic parameters for functional building element configurations and a palette of exterior building materials. In order to establish and maintain an appropriate sense of place, these standards specify an architectural aesthetic of load-bearing walls and regional materials. The standards also specify details, such as window proportions, roof or cornice configurations, shopfronts, and overhangs. Buildings should reflect and complement the climate as well as the traditional materials and techniques of the greater Frederick region.

### B. General Principles

1. Applicability:
  - a. These standards apply to all new construction within the East Frederick Form-Based Code District, **excluding the Historic Preservation Overlay (HPO) zone**, unless otherwise expressly stated in this section. See *Section 8.9 Administration, Non-Conformities* for specific applicability when remodeling or renovating existing structures.
  - b. Where CLEARLY VISIBLE FROM THE STREET-SPACE:
    - (i) Many of these standards apply only where CLEARLY VISIBLE FROM THE STREET-SPACE. Note that the definition of STREET-SPACE includes parks, SQUARES, and GREENS but not COMMON DRIVES.
    - (ii) These controls concentrate on the public realm and views from the public realm, and minimize interference in the private realm. A building element more than 30' from a REQUIRED BUILDING LINE or STREET-SPACE is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE. Common or party walls are by definition not CLEARLY VISIBLE FROM THE STREET-SPACE. An architectural element that is visible only through an opening in a STREET WALL is not CLEARLY VISIBLE FROM THE STREET-SPACE.
2. Materials
  - a. All building materials should express their structural properties. For example, stronger and heavier materials (masonry) should be located below lighter materials (wood). All masonry, including brick, block, and stone, should be in an apparent load-bearing configuration. Material changes should occur at logical construction locations (such as at an inside corner).
  - b. EQUIVALENT OR BETTER and the Approved Alternate Materials List:
 

Materials, techniques, and product types listed in this Section are prescribed. Materials that are EQUIVALENT OR BETTER may be proposed by the applicant to the Zoning Administrator for review according to the Administrative Adjustments process established in *Section 8*, not including any materials specifically prohibited in the individual sub-Section. The Zoning Administrator will maintain an Approved Alternate Materials List, containing materials that have met this standard and are therefore permitted under this section.ner).
3. Hostile Architecture. Devices and configurations designed to prevent the full use and enjoyment of the architecture and public spaces, such as anti-personnel spikes on walls or benches, and water-drip lines above seating areas, are not permitted.

### East Frederick Form-Based Code Form-Based Code: Sections 1 to 8

1. Introduction & Definitions
2. Regulating Plans
3. Building Form Standards
- 4. Architectural Standards**
5. Public Realm Standards
6. Parking & Loading
7. Building Functions
8. Administration

### C. Architectural Standards: Building Walls

#### 1. Purpose and Intent

BUILDING FACADES define the STREET-SPACE. All walls should express the construction techniques and structural constraints of their building materials. These standards are intended to achieve simple configurations and solid craftsmanship.

#### 2. Applicability

The standards in this section apply to all FACADES and building walls that are CLEARLY VISIBLE FROM THE STREET-SPACE. Where expressly stated, they also apply to **other building walls, not CLEARLY VISIBLE FROM THE STREET-SPACE.**

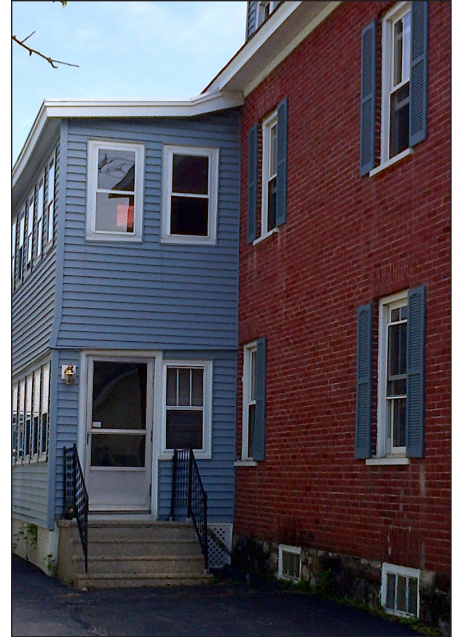
*Photographs are provided as illustrations of intent, with no regulatory effect. They do not imply that every element in the image is permitted. Refer to the standards on the following page for the specific requirements of this section.*



Townhouses with significant brick detailing



Metal SHOPFRONT with brick upper STORIES



Material change at an interior corner, a logical structural location.



Urban houses—a mix of sizes -- side by side



Stone building.



3. Primary FACADE Materials Permitted
  - a. Any of the following building materials must be used on a minimum of 85% of the FACADE area. This measurement is calculated as a percentage of the wall portion of the FACADE, exclusive of FENESTRATION, BALCONIES, and BAY WINDOWS.
    - (i) Brick;
    - (ii) Natural stone (demonstrably native to the region);
    - (iii) Wood siding or approved cementitious siding (e.g. Hardie Plank);
4. Secondary Materials Permitted
 

The following materials, on a maximum of 15% of the FACADE area, side and rear elevations, and ancillary buildings.

  - a. All approved primary materials;
  - b. Terracotta and decorative tile;
  - c. Stucco (“hard-coat” cement plaster) with smooth uniform finish;
  - d. Metal (heavy gauge and non-reflective): cast iron, copper, stainless steel (18-8 or better), titanium, and for siding (shingle and corrugated panels);
  - e. Split-faced/ground-faced block (may be integrally colored);
  - f. Shingles, wood, or synthetic wood that is on the Approved Alternate Materials List;
  - g. Pre-cast masonry;
  - h. Solid and cellular polyvinyl chloride (PVC);
  - i. Above the first STORY: EIFS (Exterior Insulation and Finishing System), and other durable foam-based products (such as Fypon),—if on the Approved Alternate Materials List.
  - j. For rear elevations and ancillary structures that are not clearly visible from the street-space, vinyl siding (“premium grade,” .55mm, or better).
5. Prohibited Materials
  - a. Closed-cell extruded polystyrene foam (e.g. styrofoam);
  - b. Vinyl and vinyl trim (except as noted above), and all aluminum siding;
  - c. Fiber cement panels with a dimension greater than 24”.
  - d. Prefabricated stucco panels and sprayed-on stucco finishes.
  - e. Aluminum composite panels.
6. Configurations and Techniques Permitted
  - a. Wall openings (FENESTRATION) must:
    - (i) have a vertical dimension at least 1.5 times their horizontal dimension unless otherwise specifically permitted in these standards. One special window per FACADE is permitted. See Section E.4, Windows.
    - (ii) correspond to the interior space/individual STORIES, and must not span across a floor or wall.
  - b. Where siding is not mitered at corners, corner boards, minimum 5.5”, must be used on the outside building corners to conceal raw edges.
  - c. Wood Siding and Wood Simulation Materials
    - (i) Siding must be configured with a board exposure between 8” and 12”;
    - (ii) Board and batten siding must have a maximum board width of 24”;
    - (iii) Siding and shingles must be smooth, not rough-sawn finish (no shakes or fake wood-grain);
    - (iv) Must not come in contact with the ground surface.
  - d. Metal Siding:
    - (i) Shingles or panels with no exposed dimension greater than 18”;
    - (ii) Corrugated siding, in a vertical or horizontal orientation only.
  - e. All STREET WALLS and parapets must have a cap or coping to protect the top of the wall from weather.
7. Tech-Shop frontage materials exceptions. For Tech-Shop frontages, there is no distinction between primary and secondary materials and no percentage parameters. Additionally, FENESTRATION may be proportioned have equal vertical and horizontal dimensions.

## D. Architectural Standards: Roofs, Eaves and Parapets

### 1. Purpose and Intent

Roofs and parapets are an important element in the composition of a building and the overall STREET-SPACE. They impact the height, proportion, and scale of each individual building. Roofs should demonstrate an appropriate pitch and incorporate materials and details that are integral to the design of the building and are sympathetic to the surrounding built environment.

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Cornice—eave



DORMER windows in an ATTIC STORY



Building with gable eaves and FACADE cornice



Cornice—deep overhang



Mansard roof



Cornice—eave with DORMERS



Roof Forms at FACADE: Eave,

Cornice,

Gable end



Parapet walls with projecting cornice



2. Applicability  
The standards in this section apply to any roof or parapet **that is visible from the STREET-SPACE, except where expressly stated.**
3. Permitted Roofing Materials
  - a. Tile;
  - b. Slate, and equivalent or better synthetic materials;
  - c. Metal, shingle or standing seam, equivalent or better;
  - d. Dimensional architectural grade composition shingles; or
  - e. Wood shingles.
4. Prohibited Roofing Materials: Corrugated metal **and rolled composition.**
5. Additional Permitted Materials and Elements
  - a. Cornices and soffits, **per C. Building Walls.**
  - b. Gutters and downspouts **must be metal.**
  - c. Parapet wall materials, exclusive of copings, **per C. Building Walls.**
  - d. **Dormers, skylights, and solar panels.**
6. Configurations and Techniques **Permitted**
  - a. Flat roofs **with a parapet are permitted only where** roof is used for:
    - (i) racking and associated equipment for solar panels;
    - (ii) building mechanical equipment (see 6.b);
    - (iii) PRIVATE OPEN SPACE; and/or
    - (iv) a Green Roof.
    - (v) Portions of the rooftop not being used **for (i) through (iv) except Tech-Shop frontages**, must conform to *b. Pitched Roofs*.
  - b. Pitched Roofs
    - (i) **For all frontages except Tech-Shop**, Roofs must have a slope of no less than 4:12 and no more than 12:12.
    - (ii) The roofs of FRONT PORCHES, STOOPS, and BALCONIES must have a slope of no less than 3:12 and no more than 6:12. *See also Section 3.1.C.*
    - (iii) The end walls of a dutch gable or gambrel roof may extend up above the eaves to form a parapet.
    - (iv) Pitched roofs, except those on the FACADE side of the building, may be “cut out” to allow roof access for terraces and mechanical equipment. The cut out area may not be within 36” of the end of an exterior wall or the roof ridge, **nor on the RBL side of the ridge.**
    - (v) Snow management devices such as snow-dogs are **permitted.**
  - c. Overhang Requirements. **The FACADE side** must be a distinct overhang/cornice, as follows:
    - (i) Pitched roofs, within the above parameters, must have a minimum 24” overhang.
    - (ii) Parapets must have a cornice, or similar form, near the top of the building wall or above the ceiling of the uppermost STORY, whose height is not less than 1/15th **and projecting forward** not less than 1/20th, of the height of its FACADE. This does not apply to walls on/at COMMON LOT LINES or side/rear elevations.
  - d. MANSARD ROOFS. STORIES configured as MANSARD ROOFS count as full STORIES, and are allowed only for 3rd and higher STORIES.
  - e. **Permitted Roof-Mounted Equipment.**
    - (i) Roof-mounted equipment are permitted as long as they are screened from **the STREET-SPACE** by architectural screening devices or a pitched roof per these standards. If a pitched roof is used, then all mechanical equipment must be below the roof ridge, see 6.b.(iv).
    - (ii) **Solar devices, on all sides of a pitched roof provided they parallel the roof slope and do not extend more than 8” above the roof surface. Vent pipes and flues are not considered “equipment” for these purposes and are allowed without being screened. See K. Lighting and Mechanical, 4. Mechanical Equipment.**
    - (iii) **Pergolas and other sun shade devices over PRIVATE OPEN SPACE are permitted up to a maximum height of 12’.**

## E. Architectural Standards: Windows and Doors

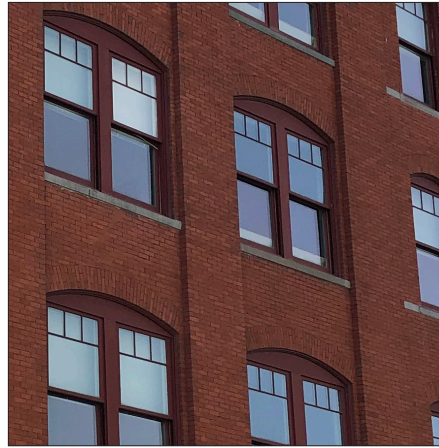
### 1. Purpose and Intent

The placement, configuration, type, and size of windows and doors on the FACADE greatly influences the scale and character of the STREET-SPACE. For Storefront frontages, windows allow interplay between the shop interior and the sidewalk. Commercial functions (especially restaurants and retail establishments) benefit from exposure to the passers-by and the STREET-SPACE benefits from the visual activity. For residences, windows foster the “eyes on the street” surveillance which provides for the security and safety for the area.

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Door with transom and sidelight windows



Windows recessed behind FACADE surface



A recessed ground STORY loggia and upper STORY double-hung windows



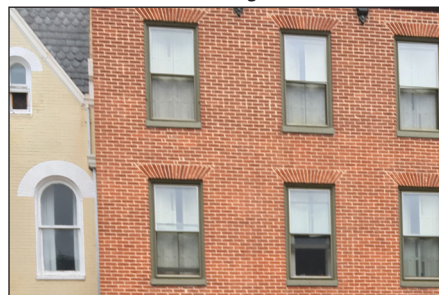
Grouped windows



SHOPFRONT with stained glass transom



Grouped windows



Double-Hung Windows



Bay Windows



## 2. Applicability

The standards in this section apply to any window or door that is CLEARLY VISIBLE FROM THE STREET-SPACE. Specific requirements and exceptions for SHOPFRONTS are provided in section *F. Shopfronts*.

## 3. Permitted Materials

- a. Window frames and sashes may be anodized aluminum, wood, clad wood, vinyl or steel.
- b. Glass panes must be clear, with low reflectivity and light transmission at the GROUND STORY of at least 75%. SHOPFRONT transoms are excluded from this restriction.
- c. Doors may be of wood, clad wood, fiberglass, glass, steel, or any combination thereof.
- d. Shutter materials may be wood or clad wood. Vinyl shutters are prohibited.

## 4. Configurations and Techniques Permitted

- a. All Windows except SHOPFRONTS (see *F. Shopfronts*)
  - (i) Windows, (transoms excepted) must have a vertical dimension at least 1.5 times their horizontal dimension unless otherwise specifically permitted in these standards;
  - (ii) One special window per FACADE is permitted. The horizontal dimension of the opening may not exceed the vertical dimension (no more squat than square). For arched windows the vertical is measured to the apex. See Section C.6
  - (iii) Windows may be grouped horizontally if each grouping is separated by a mullion, column, pier, or wall section that is at least 7" wide. Such an element delimits the proportional measurement. A group is limited to a maximum of four windows;
  - (iv) Windows should be subdivided to provide a pedestrian scale. The maximum dimensions for glass panes are 48" vertical by 30" horizontal;
  - (v) Flush-mounted windows are not permitted, window panes must be recessed behind the surface of the FACADE (building wall) a minimum of 3", except for BAY WINDOWS and SHOPFRONTS;
  - (vi) Windows must correspond to the interior space and may not span across building element such as a floor or wall.
  - (vii) Window types: single-, double-, and triple-hung, hopper, awning, casement, and transom.
  - (viii) Snap-in MUNTINS are permitted but not considered in any calculation or measurements for FENESTRATION;
  - (ix) Exterior shutters must be sized for their window (same height, shape and width);
  - (x) As required by the applicable building code, egress windows are exempt from these requirements.
- b. GROUND STORY Windows and Doors
  - (i) Double-height entry ways (those that span more than one STORY) are not permitted.
  - (ii) Urban General, Urban Neighborhood, and Storefront FACADE doors may not be recessed more than 3' behind their FACADE and, in any case, must have a clear view and path to a minimum 45-degree angle past the perpendicular from each side of the door into the STREET-SPACE. Doors may not encroach into the right-of way when opened (see *Diagram A*).
- c. Upper STORY Windows
 

On all upper STORIES, a minimum of 50% of the window area, per STORY, must be operable.
- d. Garage doors
 

When a lot is adjacent to a COMMON DRIVE, garage doors (automobile access) must face the COMMON DRIVE.

## e. Measurement:

FENESTRATION for windows and doors is measured as glass area including MUNTINS and similar framing elements with a dimension of less than 1".

5. Tech-Shop frontage exceptions. For Tech-Shop frontages, FENESTRATION may have equal vertical and horizontal dimensions or more vertical proportions.

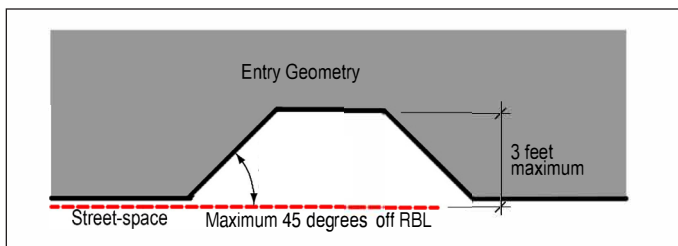


Diagram A. SHOPFRONT door geometry

**F. Architectural Standards: SHOPFRONTS**

1. Purpose and Intent  
SHOPFRONTS enliven the public realm. They improve walkability, with frequent entrances and large display windows providing transparency and connection between the interior activity and the public sidewalk. Display windows should be large to allow unimpeded views into the interior of the shop.
2. Applicability  
The standards in this section apply to building frontages designated as Storefront on the REGULATING PLAN. They include more requirements than, and some exceptions to, the standards in *Section E. Windows and Doors*. Where there is a conflict, these rules apply. Applicants may use the SHOPFRONT standards for any portion of a Urban General frontage, subject to Zoning Administrator approval.
3. Requirements and Permitted Configurations
  - a. The bottom of SHOPFRONT window FENESTRATION must be between 1' and 3' above the sidewalk and must run from that sill to a minimum of 9' above the sidewalk. Materials per *Section C. Building Walls* must be used below the window sill.
  - b. Prefabricated garage doors are not permitted for Storefront Frontages. Purpose-built storefront windows that are movable are permitted.
  - c. SHOPFRONT window and door glass must be clear, with light transmission of at least 75%. Transom glass may be tinted, obscured, stained, or glass block.
  - d. Individual panes of glass in SHOPFRONTS must be no larger than 11' in height and 6' in width.
  - e. SHOPFRONT windows and doors may not be made opaque, except by operable sunscreen devices (e.g. shutters, blinds) within the interior. A minimum of 75% of the FENESTRATION must allow views into the interior for a depth of at least 10'.
  - f. Shopfront doors must have at least 60% glass. Solid and opaque doors are prohibited.
  - g. Shopfront doors must be distinguished by features such as: transom windows, AWNINGS or CANOPIES, or a recessed entryway.
  - h. SHOPFRONTS must be differentiated from the STORIES above by a projection, storefront-cornice, string course, or comparable trim element between each SHOPFRONT and the second STORY.

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**G. Architectural Standards: AWNINGS and CANOPIES**

1. Purpose and Intent  
AWNINGS and CANOPIES provide protection from the elements, create shade and shadow on the building, enhance the three-dimensional quality, add interest, and help emphasize a primary building entrance. Open-ended AWNINGS are preferred to make blade signs and transom windows more visible from the sidewalk.
2. Applicability  
The standards in this section apply to any AWNING or CANOPY that is CLEARLY VISIBLE FROM THE STREET-SPACE.
3. Materials
  - a. AWNINGS must be made of commercial-grade fabric **with a matte finish**, and may be either fixed or retractable.
  - b. CANOPY framing must be constructed of either metal or wood.
  - c. CANOPY roofing materials may be: metal, glass, or fabric per **3.a**. Solar panels are **permitted when mounted above these roofing materials**.
4. Configurations Permitted
  - a. Any fabric covering for AWNINGS or CANOPIES must be removable or retractable.
  - b. AWNINGS and CANOPIES may be used only if they shade/correspond to windows or doors.
  - c. AWNING and CANOPY overhangs must have a minimum of nine (9') clear height above the sidewalk and be minimum of five (5') deep, measured from the FACADE. The maximum depth is to the **far side of the CLEAR SIDEWALK**. (Subject to approval by the Zoning Administrator).
  - d. Back-lighting or internal illumination through the AWNING or CANOPY is not permitted.
  - e. Snow management devices such as snow-dogs are permitted.
  - f. CANOPIES must be supported from below by brackets or from above by cables or chains (minimum 3/8"), or be structurally integrated with the building.

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## H. Architectural Standards: FACADE Composition for Large Building Frontages

### 1. Intent

These are design parameters for large buildings to maintain a pedestrian scale, even where the scale of development is quite large. For large footprint uses such as grocery stores or Parking Structures, the FACADE COMPOSITION requirement may be satisfied by liner buildings. Tech-Shop frontages and ROWHOUSE configurations are not subject to this standard.

### 2. Applicability

These standards apply to the first four STORIES of the FACADE on buildings with 130' or more of frontage on a BLOCK FACE. The four STORY height conservatively covers the distance within which one can discern a human face from the street. Buildings with street frontage of less than 130' on a BLOCK FACE are exempt from this rule for that BLOCK FACE, but must still include at least one functioning pedestrian street entry and meet all other applicable BUILDING FORM STANDARDS.

### 3. Facade Composition

"FACADE COMPOSITION" is the arrangement and proportion of FACADE materials and elements (windows, doors, columns, pilasters, bays). "Complete and discrete" distinguishes one part of the FACADE from another *much as would* two distinct building FACADES.

- a. For each BLOCK FACE, FACADES along the REQUIRED BUILDING LINE must present a complete and discrete vertical FACADE COMPOSITION for the STREET-SPACE, at no greater than the following average STREET FRONTAGE lengths:

- (i) 60' for Storefront frontages;
- (ii) 75' for Urban General and Urban Neighborhood frontages.

These are average frontage length maximums; the FACADE should be composed of bays of different sizes to achieve the average; **uniform spacing is not the goal.**

- b. No FACADE COMPOSITION may be less than 20' wide.
- c. Each FACADE COMPOSITION must include at least one functioning (pedestrian) street entry door.
- d. To achieve a complete and discrete vertical FACADE COMPOSITION within a BLOCK FACE the applicant must demonstrate that at least **three** of the following features that distinguish one FACADE COMPOSITION from the next are included:
  - (i) Different FENESTRATION proportions of at least 20% in height or width or height:width ratio. (See Diagram 1.)
  - (ii) Clearly different FACADE configurations, involving elements such as BALCONIES, BAY WINDOWS, in concert with bay rhythm, and articulation plus detailing. A change in the wall plane is insufficient. (See Diagram 2.)
  - (iii) Change in total FENESTRATION percentage with a minimum difference of 12%. GROUND STORY FACADES are not included.
  - (iv) Clearly different GROUND STORY FACADE composition, using framing material and fenestration proportions.

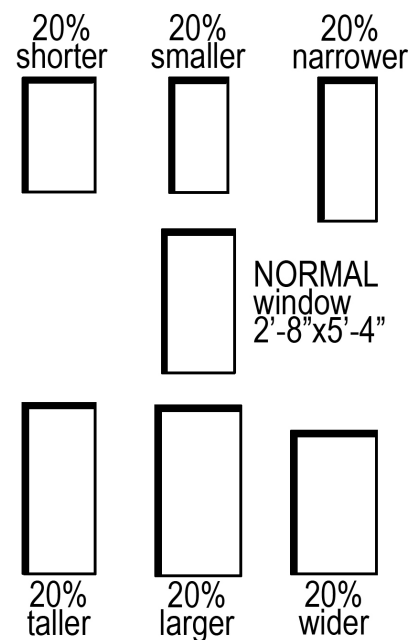


Diagram 1. Illustration of different FENESTRATION proportions

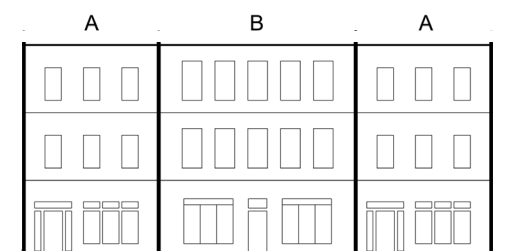


Diagram 2. Illustration of FACADE configurations with a clearly different rhythm



## I. Architectural Standards: Street Walls and Fences

### 1. Purpose and Intent

The **STREET-SPACE** is physically defined by buildings, walls, or fences. Land should be clearly public or private; in the public view or private and protected.

**STREET WALLS** establish a clear edge to the **STREET-SPACE** where there is no building. These requirements include masonry walls that define outdoor spaces and separate the **STREET-SPACE** from the private realm (e.g. utility meters, parking lots, gardens, trash cans, equipment, and employee break areas). All **STREET WALL** faces should be designed as is the building **FACADE**, with the finished side out (i.e. the “better” side) facing the **STREET-SPACE**.

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STREET WALL with climbing vines



STREET WALL with gate, residence



STREET WALL with gate, business



STREET WALL with gates shielding service area



STREET WALL defining private garden



Not permitted—no STREET WALL and parking visible from the STREET-SPACE



## 2. Applicability

The following standards apply to all STREET WALLS and fences that are CLEARLY VISIBLE FROM THE STREET-SPACE.

## 3. Materials

## a. Walls

- (i) Brick;
- (ii) Natural stone
- (iii) Stucco on masonry (such as concrete block or poured concrete)
- (iv) Cast stone—for foundations, trim and coping.
- (v) A combination of materials, e.g., stone piers with brick infill panels, masonry with iron or steel.

## b. Gates and FENESTRATION

- (i) Metal, including wrought iron, welded steel and/or electro-plated black aluminum; may also be used for FENESTRATION in the wall itself; or
- (ii) Wood.

## c. DOORYARD and Privacy Fences (in addition to the materials in 3.a. and 3.b.)

- (i) Wood;
- (ii) Wrought iron;
- (iii) Dimensional composite material (synthetic and composite woods); or
- (iv) A combination of any of the above materials with masonry piers.

## 4. Configurations and Techniques Permitted

Permitted configurations and techniques (See also *Section 3. Building Form Standards*):

## a. STREET WALLS:

- (i) built to the height and length specified in the applicable BUILDING FORM STANDARD.
- (ii) taller than 5' are treated as a building wall and subject to the FENESTRATION requirements of their BFS frontage.
- (iii) longer than 40' must include a minimum of 10' of built-in seating on the street side.

## b. DOORYARD Fences and Privacy Fences:

- (i) the "finished side" must face the street or adjacent property;
- (ii) DOORYARD fences must be at least 1/3 open and not solid. Wooden picket boards should not be more than 3.75" wide and set so that the space between them is not more than 3" wide.

## c. DOORYARD Walls:

All masonry, including brick, block, and stone, must be in a load-bearing configuration and meet the standards of *C. Building Walls, 3-4*.



Not permitted and not a STREET WALL: dead frontage, too long, too blank (no FENESTRATION). See the definition of STREET WALL in Section 1 Introduction and Definitions and Section 3. BFS and above for the STREET WALL requirements.

## J. Architectural Standards: Lighting and Mechanical

### 1. Purpose and Intent

These standards are intended to enhance the urban pedestrian context. Appropriate lighting is desirable for night-time visibility, safety, and *sense of place*. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. Restricting the location of mechanical equipment limits intrusions that would otherwise detract from the public realm. All street lights should be pedestrian-scaled. Highway-scale, 'cobra-head,' fixtures are generally not appropriate for true urban contexts and should be limited to intersections where absolutely necessary.

### 2. Applicability

The standards in this section apply to all private parcels. Additional exceptions may be made to comply with state highway standards where necessary.

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Pedestrian-scale street lights



Not *permitted*, visible from the STREET-SPACE



Not *permitted* within the STREET-SPACE



Not *permitted*, mechanicals visible from the STREET-SPACE

*The illustrations above are examples of mechanical equipment arrangements that are only acceptable away from and/or not visible from a STREET-SPACE (i.e. within an COMMON DRIVE or screened from view).*



### 3. Exterior Lighting Allowed

- a. Lighting elements **must have a maximum 4,500K Color Temperature**. Lighting elements that cast a perceptively unnatural spectrum of light (such as low pressure sodium) are prohibited. These standards may be updated by the Zoning Administrator as technologies advance and produce lighting elements that may be added to the Approved Alternate Materials List, under the EQUIVALENT OR BETTER standard, see *B. General Principles*.
- b. Pedestrian-scale Streetlights must be:
  - (i) coordinated with any adopted Streetscape Plan and the Department of Public Works and;
  - (ii) located on each side of the STREET-SPACE; (See *Section 5. Public Realm Standards*) and
  - (iii) coordinated and aligned with STREET TREE placement and located at least 10' apart from any STREET TREE.
- c. Site and Accent Lighting

These standards are intended to prevent light from one property extending beyond the property line onto adjacent properties. Compliance with this subsection is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these methods.

  - (i) Site lighting must be designed to illuminate only the lot. If mounted on poles, lights must not be mounted higher than **20'** above grade.
  - (ii) Exterior lights must be maximum 100-watt incandescent or maximum 1600 lumens.
  - (iii) Floodlighting or directional lighting is prohibited except to highlight architectural features (cupolas, towers, domes) of CIVIC BUILDINGS and monuments in GREENS or SQUARES.
  - (iv) Floodlights, when approved, must be aimed no higher than forty five degrees (45°) from vertical; be located and shielded such that the bulb is not directly visible from any adjacent residential use or public right of way. Floodlights are not permitted for parking lots or outdoor display/storage areas.
  - (v) **Lights mounted in eaves or under a CANOPY** must either be set **higher than the the canopy/eave lower edge** and fully shielded or use flat lenses instead of drop lenses.
  - (vi) Lights within ground floor commercial space or SHOPFRONTS may be used to illuminate the interior space and/or window displays and must not be directed outward into the STREET-SPACE.
  - (vii) Exterior lights on the building must be shielded and downcast **and** must be frosted glass or installed behind a translucent cover. Lights on the FACADE must be mounted between 8' and 12' above the adjacent CLEAR SIDEWALK. These fixtures must illuminate the DOORYARD and CLEAR SIDEWALK area. Lights on the COMMON DRIVE have a 12 foot maximum height. These fixtures must illuminate the COMMON DRIVE and may also illuminate a portion of their own rear yard area.
  - (viii) High intensity discharge (HID) or fluorescent lights must not be used on the exterior of buildings.
  - (ix) Temporary **holiday lighting** is exempt from these regulations.

### 4. Mechanical Equipment

- a. All mechanical equipment located at grade (serving the building or tenant use) must be placed behind and away from any REQUIRED BUILDING LINE and screened by a STREET WALL if necessary to prevent its being CLEARLY VISIBLE FROM THE STREET-SPACE.
- b. All mechanical equipment on a roof must be screened, and all screening and penthouses placed on a roof must be set back from the roof line by a distance at least equivalent to the height of the screening in order to minimize visibility from surrounding streets and have a maximum height of **12'**.

## K. Architectural Standards: Signage

### 1. Purpose and Intent

Signs in East Frederick Form-Based Code should be scaled and designed for this pedestrian-oriented context and not for high speed automobile traffic. Signage along commercial and mixed-use frontages should be durable. While signage is desirable for both informational purposes and as decoration, signage that is too large creates distraction, intrudes into or lessens the district experience, and creates visual clutter.

*Photographs are provided as illustrations of intent, with no regulatory effect. They do not imply that every element in the image is permitted. Refer to the standards on the following page for the specific requirements of this section.*



Neon sign within the SHOPFRONT window



Window sign



Parapet sign



Wall sign



Horizontal blade signs



Sign in the Sign Band



## 2. Applicability

The standards in this section apply to any sign that is **CLEARLY VISIBLE FROM THE STREET-SPACE** in East Frederick Form-Based Code.

## 3. General Standards for All Signs

All signage must conform to the requirements of the Frederick Land Management Code except as provided for below.

- a. Only sign types specified in this section are permitted.
- b. Prohibited: Billboards, roof signs, and mural signs painted on **FACADES** (except those existing **prior to 2023**).
- c. Signs may be illuminated externally from a constant light source. Signs may not be illuminated by flashing, traveling, animated, or intermittent lighting, whether such lighting is of temporary or long-term duration.
- d. Internally illuminated back-lit acrylic-faced cabinet signs and plastic-faced letter form signs are not permitted.
- e. Signs may not include an Electronic Message Center (EMC) unless explicitly permitted below.

## 4. SignBand

- a. Wall signs are only permitted within the sign band—the horizontal area on the **FACADE** between the first floor windows or **SHOPFRONT** and the second **STORY** floor line. The sign band:
  - (i) may not be higher than 20’ or lower than 10’ above the adjacent sidewalk,
  - (ii) must not exceed 30” in height and/or 30’ in length,
  - (iii) must not come closer than 2’ to a **BUILDING CORNER**.
  - (iv) must not extend over the architectural features of the **FACADE**, such as cornices, pilasters, transoms, window trim, and similar.
- b. For one-STORY buildings, the sign band is above the windows and below the cornice.

5. A masonry or bronze plaque may be placed in the building’s cornice or parapet wall or under the eaves, and above the upper **STORY** windows. Any such plaque must be no larger than a rectangle of 18 square feet.
6. Murals as Public Art are permitted on building side, rear, courtyard walls, and **STREET WALLS**, subject to **review by the Public Art Commission**.
7. Projecting Signs are generally perpendicular to the **REQUIRED BUILDING LINE**. Projecting signs, marquee signs, and corner signs are permitted for storefront frontages and/or retail uses only. One **attached** sign per **SHOPFRONT** is permitted, they:
  - a. must not project from the sign band, or be hung from a ground story overhang, canopy, or awning;
  - b. must not be no more than 6 square feet;
  - c. must not project from the building no more than **36”**;
  - d. must be a minimum of 8’ clear above the sidewalk;
  - e. must not extend above the second **STORY** floor elevation.



*Sign within sign band*



*Masonry parapet sign*

- f. may be located no closer than 5' from a COMMON LOT LINE or adjacent shopfront space and no closer than 10' to any attached sign; and
  - g. may not be internally illuminated.
8. Marquee signs are signs integrated with an entry CANOPY. They:
- a. are only permitted with a theater use;
  - b. may project to the far edge of the CLEAR SIDEWALK; and
  - c. may include an EMC within the sign band area.
9. Window Signs
- a. No more than 25% of any GROUND STORY window may be covered by signage, and such signage must not be placed or adhered to the window in a manner that prevents views into the building.
  - b. One *internally illuminated* sign, behind the window glass, is allowed per SHOPFRONT window, maximum 5 square feet and 1 per window. This restriction does not apply to internal signs that are more than 5' from the FACADE.
  - c. No more than 10% of any upper STORY window may be covered with signs.
10. Other Signs, *below the second floor*.
- a. Temporary sandwich board signs of up to 12 square feet, with a maximum width of 3' and a maximum height of 4'. in height are permitted within the DOORYARD area.
  - b. Awning signs are permitted. Sign copy on AWNINGS is limited to 6" in height on the outside edge/vertical face of the AWNING.
  - c. Canopy signs (not including marquee signs, which are regulated separately) are allowed on the CANOPY face or mounted upright along the top of the canopy with the bottom of the sign no more than 4" above the canopy. Canopy signs may extend no more than 90% of the length of the CANOPY and be no more than 18" in height. Signs mounted on the face of a CANOPY must maintain a minimum of 2" spacing between the sign and the top and bottom of the CANOPY face. No more than 1 canopy sign is allowed per SHOPFRONT and a canopy sign is not allowed on a SHOPFRONT that has a marquee sign.
  - d. Directional signage as defined in this chapter is allowed for assisting traffic flow through allowed drive-through facilities.
11. Freestanding Signs  
No new freestanding signs are permitted.



Marquee sign



AWNING sign



AWNING signs and wall signs

## Section 5 Public Realm Standards



Intent Illustration. A Public Open Space, a SQUARE or GREEN.

The Public Realm Standards include the following sections:

- 5.1 Intent
- 5.2 General Standards
- 5.3 Public Open Space
- 5.4 Street Trees
- 5.5 Street Specifications

### 5.1 Intent

These *Public Realm Standards* are designed to establish environments within East Frederick Form-Based Code District that encourage and facilitate pedestrian and bicycle activity by creating STREET-SPACE and a public realm that is comfortable, efficient, safe, and interesting.

- A. Although commonly thought of as just GREENS, SQUARES or parks, the *public realm* includes the complete STREET-SPACE—the space between the building FACADES: the sidewalks, street trees, and automobile lanes, in addition to the SQUARES, GREENS, and parks.
- B. The STREET-SPACE is a community's first and foremost public space and should be just as carefully designed and planned as any GREEN or CIVIC BUILDING. The character of the street—both its scale and its details—plays a critical role in determining the quality of the place.
- C. Streets within East Frederick Form-Based Code District should not be thought of as “roads, highways, arterials, or collectors.” They should be developed to create people-oriented places balancing all transportation modes. Most streets in the East Frederick Form-Based Code District should be designed primarily for walkability and pedestrian comfort, accommodating automobile traffic but not *driven* by it.
- D. **The Public Realm Standards:**
  1. Establish an environment that encourages and facilitates pedestrian and bicycle activity and “walkable” streets that are comfortable, efficient, safe, and interesting for all people and for all generations.
  2. Ensure the coherence of the STREET-SPACE, serving to assist residents, building owners, and **property** managers with understanding the relationship between the STREET-SPACE and their own property.
  3. Contribute to sustainability. STREET TREES and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and storm-water management. Good STREET-SPACES support sustainable transportation options such as walking and bicycling.
  4. Work in concert with the property frontages. FACADES are the walls of the STREET-SPACE. Building FACADES are regulated in *Section 3. Building Form Standards*.
- E. The interior of the private property (toward the COMMON DRIVE, rear lot or COMMON LOT LINES) is less controlled; allowing freer use of those spaces out of the public view; and it allows residents to have PRIVATE OPEN SPACE (semi-private for apartment and condominiums), gardens and courtyards.

East Frederick Form-Based Code  
District: **Sections 1 to 8**

1. Introduction & Definitions
2. Regulating Plans
3. Building Form Standards
4. Architectural Standards
- 5. Public Realm Standards**
6. Parking & Loading
7. Building Functions
8. Administration



## 5.2 General Standards

The following standards regulate the STREET-SPACE within East Frederick Form-Based Code District.

### A. Street Curb-To-Curb Standards

1. Must meet the standards in *Section 5.5 Street Specifications* below.
2. Must meet the City Construction Standards, See the **Engineering Department Design and Construction Specifications and Details**.

**B. TREE LAWN:** the area between the CLEAR SIDEWALK and the curb is used as the planting area for STREET TREES. It may also be used, in more intense pedestrian situations, as a pedestrian area with seating and cafe tables, on permeable pavements or bridged slab constructions. The TREE LAWN is regulated in *Section 5.4 and 5.5 below*.

**C. Sidewalks:** The developer is required to install sidewalks that meet all City (and ADA) standards and specifications at the time of development. They must provide a minimum CLEAR SIDEWALK in accordance with *Section 5.5 Street Specifications* below.

### D. DOORYARDS

1. All:
  - a. Thorny plants must not be planted along the CLEAR SIDEWALK or entry walkways.
  - b. Noxious weeds, as defined by the COF Section 1202: Approved trees and plants list, are prohibited.
  - c. Any planting/vegetation may not block any FENESTRATION nor extend over the CLEAR SIDEWALK.
  - d. Ground cover or turf-grass must not exceed a height of 12".
  - e. Shrubs, hedges, and other xeriscape plants, maximum height 40", may be planted within the DOORYARD.
  - f. A hard-surfaced walkway(s) must be provided between the CLEAR SIDEWALK and the building entry(s) in the FACADE.
2. Urban General, Urban Neighborhood, Tech-Shop, and Storefront frontages may be planted or hard-surfaced with pervious pavers.
3. Local frontages must be planted, at a minimum, with grass, ground cover, or flowering vines.

### E. Street Furniture

1. Street furniture is an element of the overall STREET-SPACE design. Public street furnishings should be simple, functional, and durable. Placement will generally be within the TREE LAWN area. Any specific GREEN or SQUARE designs may specify different placement. All street furniture must meet these standards.
2. Street lighting:
  - a. At the time of development, the developer is required to install streetlights per these standards and any adopted streetscape plan, on any frontage they are developing.
  - b. Streetlights must:
    - (i) use double-globed luminaires, on 16'-18' poles, for East Street, Patrick, South Street, **and any similar City-scale (major) streets**, and;
    - (ii) use single-globed luminaires, on 12' -14' poles, for local/neighborhood streets and;
    - (iii) be coordinated with any adopted City Streetscape Plan and the Department of Public Works and;
    - (iv) be installed on both sides of the STREET-SPACE, excepting ST-13/39 streets where otherwise specified. (See *5.5 Street Specifications*) and;
    - (v) be aligned with and at least 10' from STREET TREES.

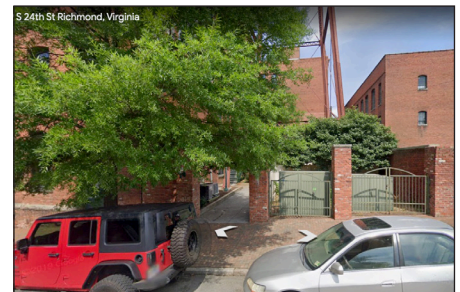


Intent Illustration  
*A street of residences.*



Intent Illustration  
*A retail street frontage.*

3. COMMON DRIVE lighting: all lots with COMMON DRIVE access must have lighting fixtures illuminating the COMMON DRIVE, see *Section 4.K.3*.
  4. Benches: Benches must have backs.
    - a. Benches may be located in the TREE LAWN, oriented perpendicular to the street, with a maximum 4' length.
    - b. Benches located in the TREE LAWN but not perpendicular to the street may a maximum 6', so long as their length does not conflict with the placement of other streetscape elements or obstruct necessary pedestrian movement. They must be arranged to view the sidewalk/pedestrian activity, not automobile traffic.
    - c. Bench ratios provided below are to be used to calculate only the number of required benches and may not necessarily determine the bench locations.
    - d. Where present, the amount of frontage dedicated to transit stops, as determined by the Zoning Administrator, may be subtracted from the frontage used to calculate the total number of required benches.
    - e. For Shopfront frontages, at least one bench for every 75' of street frontage.
    - f. For Urban General frontages, at least one bench for every 200' of street frontage.
    - g. For Urban Neighborhood frontages, at least one bench for every 250' of street frontage.
    - h. For Local and Tech-Shop frontage sites, no benches are required.
    - i. For GREENS and SQUARES, at least one bench for every 100' of street frontage.
  5. Waste/Recycling Bins—At a minimum, one waste bin must be provided at each street intersection for Shopfront, Urban General, and Urban Neighborhood frontages, and one per every other intersection for Local frontages.
  6. Bicycle Racks—Bike racks must be installed on both sides of the street within the TREE LAWN in alignment with the trees (not to interfere with the placement of STREET TREES or street lights). At the time of the development, the developer is responsible for the installation of bicycle racks on the side(s) of the street being developed. (See *Section 6. Parking and Loading Standards, for bicycle parking requirements*.)
  7. Placement and model/type of all street furniture and fixtures, if different from these standards, will be reviewed by the DRC.
- F. Mechanical and electrical equipment is prohibited within any STREET-SPACE<sup>1</sup> including the DOORYARD. This equipment includes, but is not limited to, air compressors, pumps, exterior water heaters, water softeners, and private garbage cans. **Public sidewalk waste bins, water pumps for public fountains or irrigation, and EV charging stations for cars and/or bicycles are not included in this prohibition.****



Intent Illustration  
Electrical transformers set behind the sidewalk and out of the STREET-SPACE.

<sup>1</sup> Note of Intent. A Utility Co. box sitting out on the corner of an intersection blocks the STREET-SPACE and blocks the view of drivers and pedestrians. There is plenty of room in the BLOCK interior, in the COMMON DRIVE, and/or these can be behind the RBL and a STREET WALL (fence/gate).

## 5.3 Public Open Space

Public Open Spaces such as SQUARES and GREENS are designated on the REGULATING PLAN.

### A. Intent

Public open space is **foundational** to the *quality of life* within the East Frederick Form-Based Code District. Its trees and plants provide a landscape and civic architecture that complement the surrounding private building architecture. The carefully distributed SQUARES and GREENS will foster places for the social interaction, community gathering and family recreation of all age groups, all within a comfortable walking distance.

1. SQUARES are active pedestrian centers; GREENS are intended for less intensive foot traffic. Surface treatment may vary accordingly. The FBC does not specify one type over the other, but allows for that to shift with the context over time.
2. Pervious paving materials (to allow oxygen for tree roots and absorb stormwater run-off) are encouraged, and the percentage of impervious paving material is limited. (See *B.3. Materials and Configurations*.)
3. These standards apply to those spaces that are designated on the REGULATING PLAN whether publicly owned or publicly accessible through an access easement.

### B. General Standards

GREENS and SQUARES must be designed, planted and maintained according to the following requirements:

1. SQUARES and GREENS must have at least 60 percent of their perimeter fronting public rights-of-way and they must be surrounded by STREET TREES. Their plan dimensions may be no narrower than a 1:5 ratio and no width or breadth dimension may be less than 20'.
2. A clear view through the Public Open Space (from 2' to 7' in height) is required, both for safety and urban design and placemaking purposes. The foliage of newly planted trees may intrude into this area until the tree has sufficient growth to allow such a clear trunk height.
3. Materials and Configurations
  - a. The street frontages of SQUARES and GREENS within East Frederick Form-Based Code District must be configured consistently with the street or BLOCK which they are fronting in accordance with this section. However, the street tree species surrounding a SQUARE or GREEN may be of a different species than the connecting streets.
  - b. The ground elevation must be between -18" and +24" of the top of any curb within 10'.
  - c. The slope within any public SQUARE or GREEN may not exceed ten percent (terraces are approved where necessary for steeper sites).
  - d. SQUARES and GREENS may not include active / formal recreation structures such as ball fields, but may include playground equipment.
  - e. Trees within a PUBLIC OPEN SPACE may be selected from outside the Street Tree List but must satisfy this section and be approved by the City Arborist (see *5.G. Street Tree List* in this section).
  - f. Asphalt is prohibited within a SQUARE or GREEN.

### C. GREENS

GREENS should be designed with a low percentage of hard-surfaced area, appropriate to their less pedestrian-intensive function. Surface treatment and materials (within the area back-of-curb to back-of-curb area, excluding any CIVIC USE building, public art or monument footprint) must be a minimum 50 percent unpaved pervious surface area (such as turf, ground cover, soil or mulch).

### D. SQUARES

SQUARES incorporate a higher percentage of hard-surfaced area, appropriate to their more pedestrian-intensive character. Surface treatment and materials (within the back-of-curb to back-of-curb area, excluding any CIVIC BUILDING, public art or monument footprint) must be between 20 percent and 40 percent unpaved pervious surface (turf, ground cover, soil or mulch).



Intent Illustration

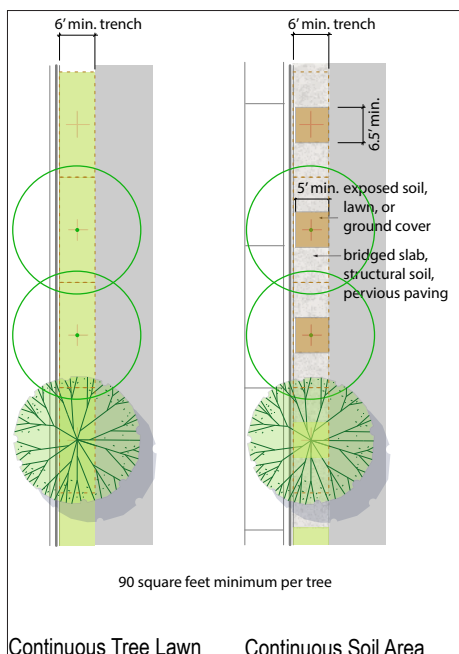
*The continuous tree trench supports tree longevity and storm-water management.*



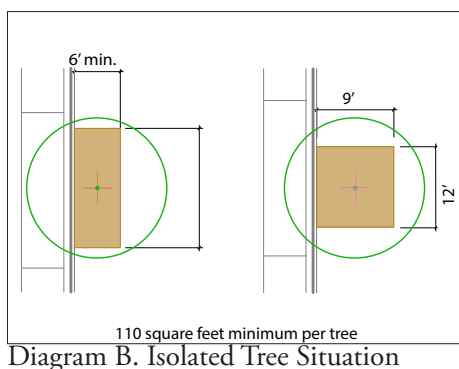


Intent Illustration

*Silva Cell technology is a Best Practice for STREET TREE infrastructure.*



Continuous Tree Lawn      Continuous Soil Area  
Diagram A. Connected Situation



110 square feet minimum per tree  
Diagram B. Isolated Tree Situation

### E. Pedestrian Pathway

A PEDESTRIAN PATHWAY must be a public access easement or right-of-way and generally open to the sky. Their width must be between 20' and 30' with a hard-surfaced walkway between 10' and 20' providing an unobstructed view through its entire length, except where otherwise specified on the REGULATING PLAN. Bicycle racks, outside of the hard-surfaced walkway are approved within PEDESTRIAN PATHWAYS.

## 5.4 STREET TREES and TREE LAWNS

STREET TREES are part of an overall STREET-SPACE plan designed to provide both canopy and shade and to give special character and coherence to each street. STREET TREES are functional, not just decorative elements of the STREET-SPACE.

- A. Each STREET-SPACE must have STREET TREES planted generally in the centerline of the TREE LAWN or not less than 3'6" from the back of the curb, unless otherwise specified on the REGULATING PLAN, and at an average spacing not greater than 30' on center (average calculated per BLOCK FACE). Spacing allowances may be made to accommodate curb cuts and infrastructure elements; however, at no location may STREET TREE spacing exceed 45' on center except where necessary for COMMON DRIVES, mid-BLOCK crossings, or transit stops.
- B. Required STREET TREE planting area minimum specifications are as follows:
  1. At at or not greater than 6" above the sidewalk elevation.
  2. Soil surface area must be not less than 110 square feet per isolated tree or 90 square feet per tree for connected (TREE LAWN) situations. (See *Diagrams A and B*).
  3. No dimension of the soil surface area may be less than 6' unless otherwise specified in this ordinance.
  4. A pervious paving strip, maximum 12" wide, may be placed at the back of the curb for access to on-street parking.
  5. Neither the pervious paving strip per 4 above, nor a City Arborist approved tree grate or fence, will be measured against the minimum soil surface area in 2 and 3 above.
- C. Street construction designs should incorporate continuous street tree trenches (connected soil areas). The requirements in A and B, above may be met through the use of Silva Cells, bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of healthy and long-lived STREET TREES.
- D. At planting, STREET TREES must be at least 2½" caliper, measured 4' above grade and at least 10' in overall height. Species must be selected from the *G. Street Tree List*, below. Consult with the Zoning Administrator/City Arborist for any designated tree species for a particular STREET-SPACE.
- E. Any unpaved ground area must be planted with ground cover, or flowering vegetation, not to exceed 8" in height unless approved by the Zoning Administrator as part of a streetscape plan. STREET TREES should be "limbed up" as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7' clear over the sidewalk and 14' over any travel lanes) and to maintain visibility.

## F. Street Tree Specifications

1. Species in the Street Tree List are selected for their physical characteristics: size, habit of growth, and hardiness and on the following criteria:
  - a. Structural – STREET TREES shape and subdivide the STREET-SPACE, increasing pedestrian comfort and adding value. These are “canopy shade tree” species that grow to heights in excess of 60’ and have a broad canopy—enabling them to clear auto and pedestrian traffic, form a ceiling-like enclosure, and open a clear view of the STREET-SPACE, FACADES, and SHOPFRONTS.
  - b. Survivability – Life as a typically planted street tree is nasty, brutish, and short. Few species are tough enough to thrive and grow. Appropriate species have special tolerance to salt and soil compaction. Proper STREET TREE planting techniques and configurations can provide a healthy environment in which the tree can thrive—ensuring that the trees increase their value to the community as they grow, over decades.
  - c. Form and color – consistent species planted along a given length of a STREET-SPACE will provide a distinct form, especially in Fall colors. This provides species diversity at the same time it provides specific street character by planting different STREET-SPACES with different trees. Species diversity is important, and a variety of appropriate STREET TREE species must be planted within the East Frederick Form-Based Code District, to provide a healthy overall bio-diversity.
2. The use of alternate species may be approved by the Zoning Administrator, in consultation with the City Arborist.
3. No single species may exceed 20% of the overall East Frederick Form-Based Code District Street Tree palate.
4. This list should be periodically reviewed and updated. These are appropriate species for the East Frederick Form-Based Code District, but disease patterns change over time, and this list will need to evolve.
5. **Public Space Trees**  
In addition to the above, trees listed in Article 12, Section 1202 and meet the East Frederick Form-Based Code District standards may be placed within DOORYARDS.
6. **Private Space Trees**  
No trees, or other plant species that have been identified as invasive by the Maryland Department of Agriculture Invasive Plant List may be planted in any outdoor location within the District. All other trees may be used (see Article 12, Section 1202).

STREET TREE LIST (Large Canopy Trees – mature height 60’ and above)	
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Acer x freemanii	Armstrong Freeman Maple
Betula nigra	River Birch
Celtis occidentalis	Magnifica Hackberry
Ginkgo biloba	Ginkgo (male only)
Gleditsia triacanthos var. inermis	Thornless Honey Locust
Liquidambar styraciflua “Rotundiloba”	Seedless Sweetgum
Liquidambar tulipifera	Tulip Tree
Nyssa sylvatica	Black Tupelo
Platanus occidentalis ‘Bloodgood’	London Plane tree
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus macrocarpa	Bur Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus rubra	Red Oak
Quercus shumardii	Shumard Oak
Quercus velutina	Black Oak
Sophora japonica	Princeton Upright Scholartree
Tilia americana	American Linden*
Tilia cordata ‘Greenspire’	Greenspire Littleleaf Linden
Tilia euchlora	Crimean Linden
Tilia tomentosa	Silver Linden
Ulmus americana “libertas”	Liberty Elm
Ulmus americana	Princeton Elm
Ulmus hybrids	—resistant to Dutch Elm
Zelkova serrate	Zelkova



Intent Illustration Street trees give a structure to the street, providing habitat, shade in the summer, color in the fall, and mitigate the architecture.



## 5.5 Street Specifications

### A. Intent

1. These are presented both for new street construction and for the future reconfiguration of existing streets.
2. The street and BLOCK system within the East Frederick Form-Based Code District is designed to be an ideal complement to good transit service. Transit stops may replace on-street parking lanes as necessary.
3. DOORYARDS and COMMON DRIVES may have utility easements.
4. These are Streets—not “roads, highways, arterials, or collectors”—and are designed as such to create people-oriented places balancing all transportation modes.



Intent Illustration Historic Frederick's STREET-SPACE is the model

### B. Street Type Specifications (All street types are subject to site-specific engineering design.)

These are the configurations for streets within the East Frederick Form-Based Code District. These include a “comparative pedestrian crossing time” as a measure of pedestrian comfort—this measures the time a pedestrian will be outside the curb and in the automobile zone when crossing at the intersection, using a pedestrian speed of 3.7fps. (See *H* below). Travel lane dimensions are to face-of-curb. Detailed cross sections follow.

1. Street Specifications
  - a. ST-34-72 (ST-36/72)
  - b. ST-20-48
  - c. ST-13/39
  - d. ST-13/29 (one-way street around a GREEN or SQUARE)
  - e. ST-46/85 (3 lane)
  - f. ST-36/85PCT (Protected Cycle Track)
  - g. CD-16/25
  - h. Mid-Block Crossing.
2. The street prescriptions can be found on the East Frederick Form-Based Code District Street Specifications Map. (See the Zoning Administrator.)

### C. Intersection Configurations

1. At intersections the curbs extend the depth of the parking lanes, out to the travel lanes. Crosswalks are aligned as extensions of the sidewalks. This minimizes the pedestrian crossing distance and maximizes pedestrian comfort and visibility. (See *Diagram C* at right)
2. Curb Radii (at travel lanes). Intersections involving East Street, South Street, ST 46-86, ST 38-86, ST-38/86PCT, and bus and/or truck routes (specifically 7th, 5th, and County Lane east of Pine Ave) have a 30' curb radius. Intersections involving only ST 34-72, ST 20-48, ST 13-39, and ST-29 streets have a 20' curb radius. Street/COMMON DRIVE intersections generally have a maximum 15' curb radius.

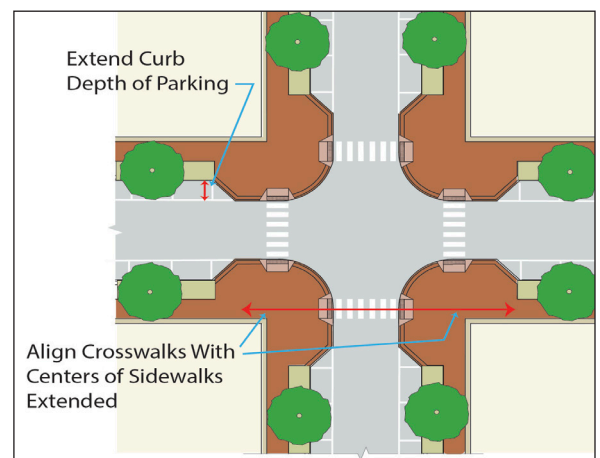


Diagram C. Intersection Crossings



## Vision Plan for East Frederick

### STREET-SPACE Type: ST-34/72



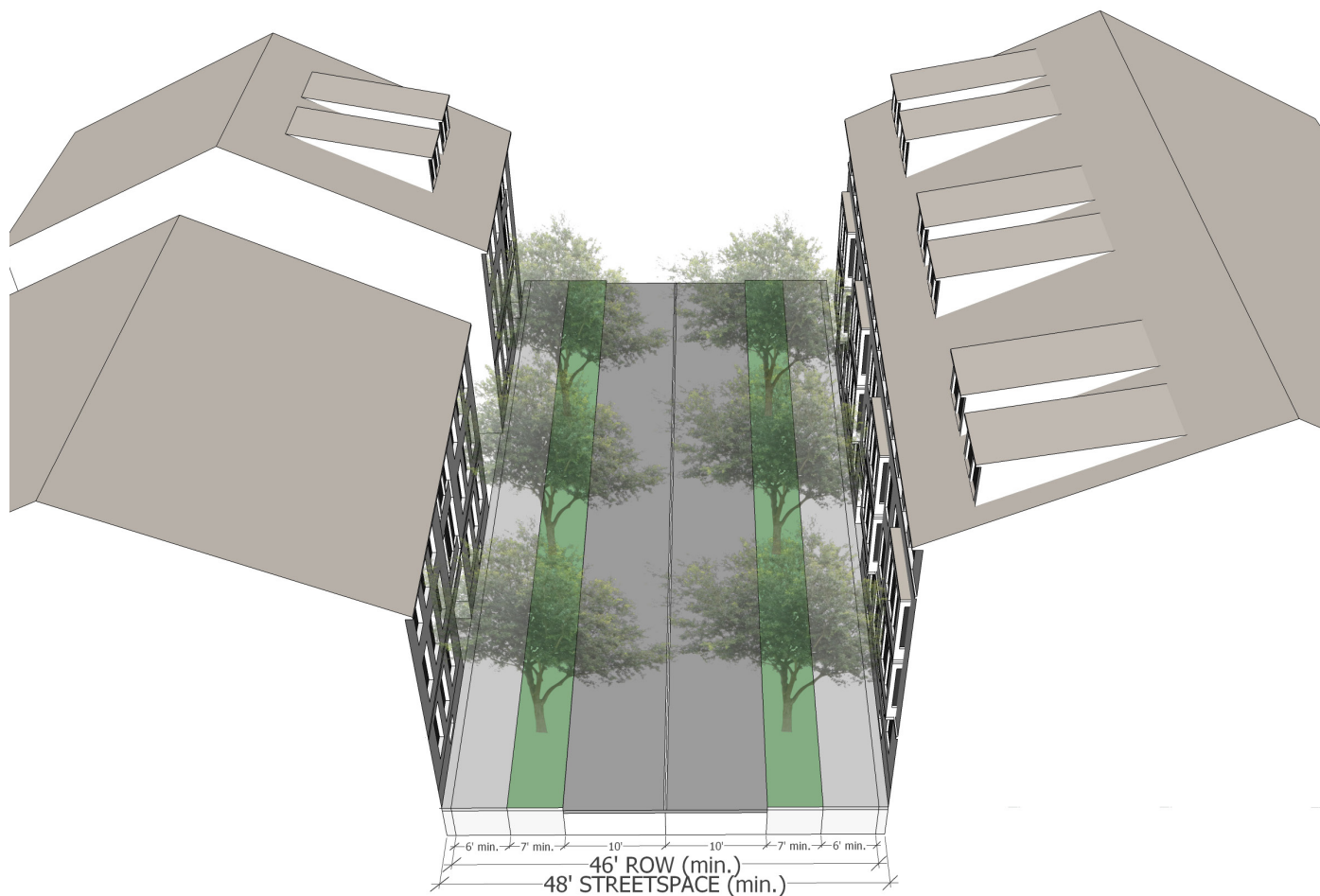
**ST-34/72:** Most new streets within East Frederick.  
Comparative Pedestrian Crossing Time: 5.4 sec.

**ST-36/72:** *Streets designated as Small Collectors.*  
Comparative Pedestrian Crossing Time: 5.9 sec.  
(11' travel lanes)

The wide CLEAR SIDEWALKS and TREE LAWNS add an extra layer of green to the STREET-SPACE. The TREE LAWN can be paved between the trees for a wider pedestrian area for retail and commerce areas. Travel lane dimensions are to face-of-curb.

## Vision Plan for East Frederick

## STREET-SPACE Type ST-20/48



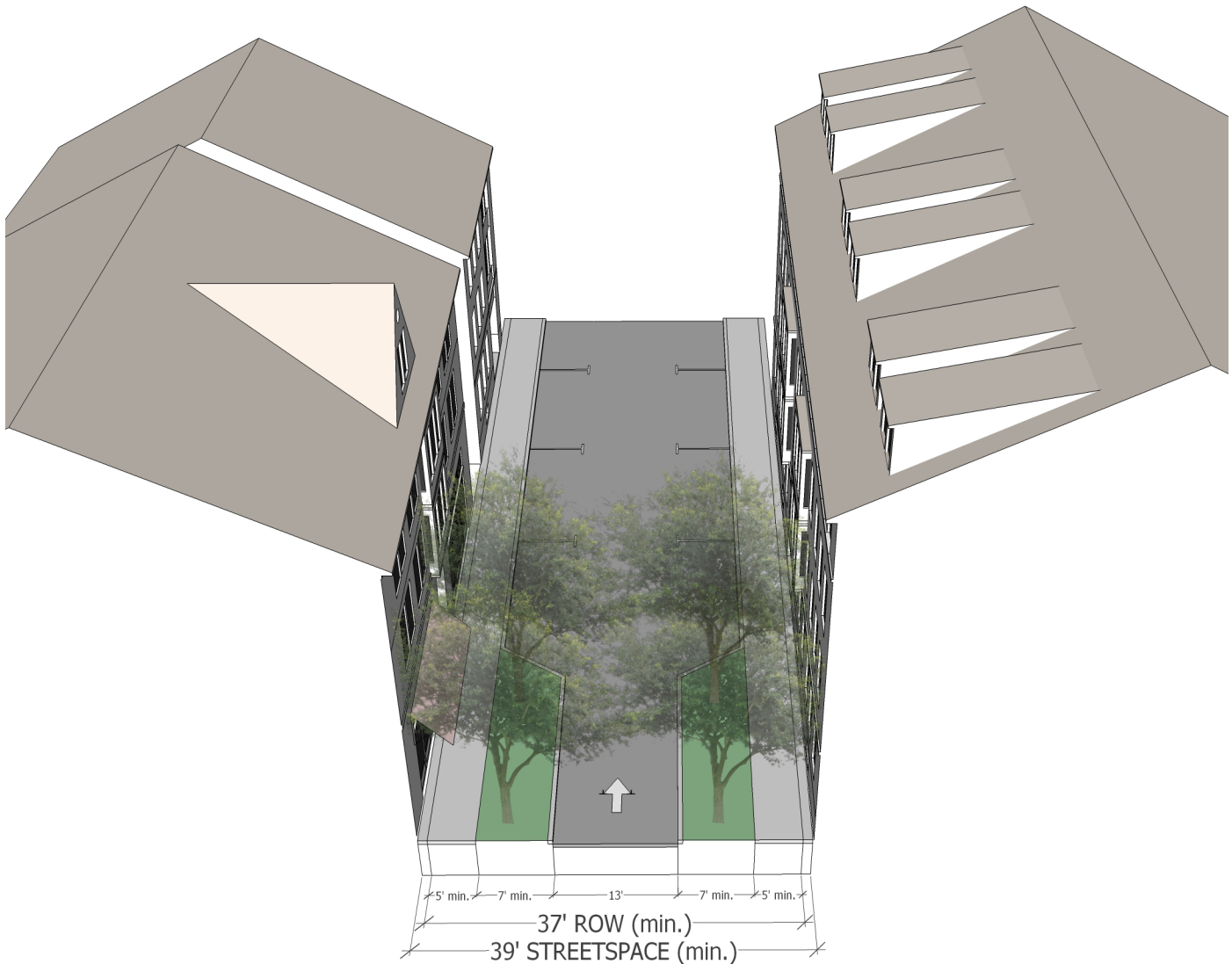
ST-20/48+: For areas where the Right of Way (ROW) is restricted.

Comparative Pedestrian Crossing Time: 5.4 sec.

This section can expand where the space is available and take on additional configurations. Where the ROW is 2' or 3' wider, the TREE LAWN area could become 7' or 8' wide and alternate with on-street parking. STREET TREES are required within 60' of the BLOCK CORNER. Where the ROW (existing as of 2023) is less than 46' and greater than 42', the minimum dimensions above may be reduced to: TREE LAWN 5' 6", CLEAR SIDEWALK 5'.

## Vision Plan for East Frederick

### STREET-SPACE Type ST-13/39



ST-13/39+: For narrow ROW situations with one-way streets.

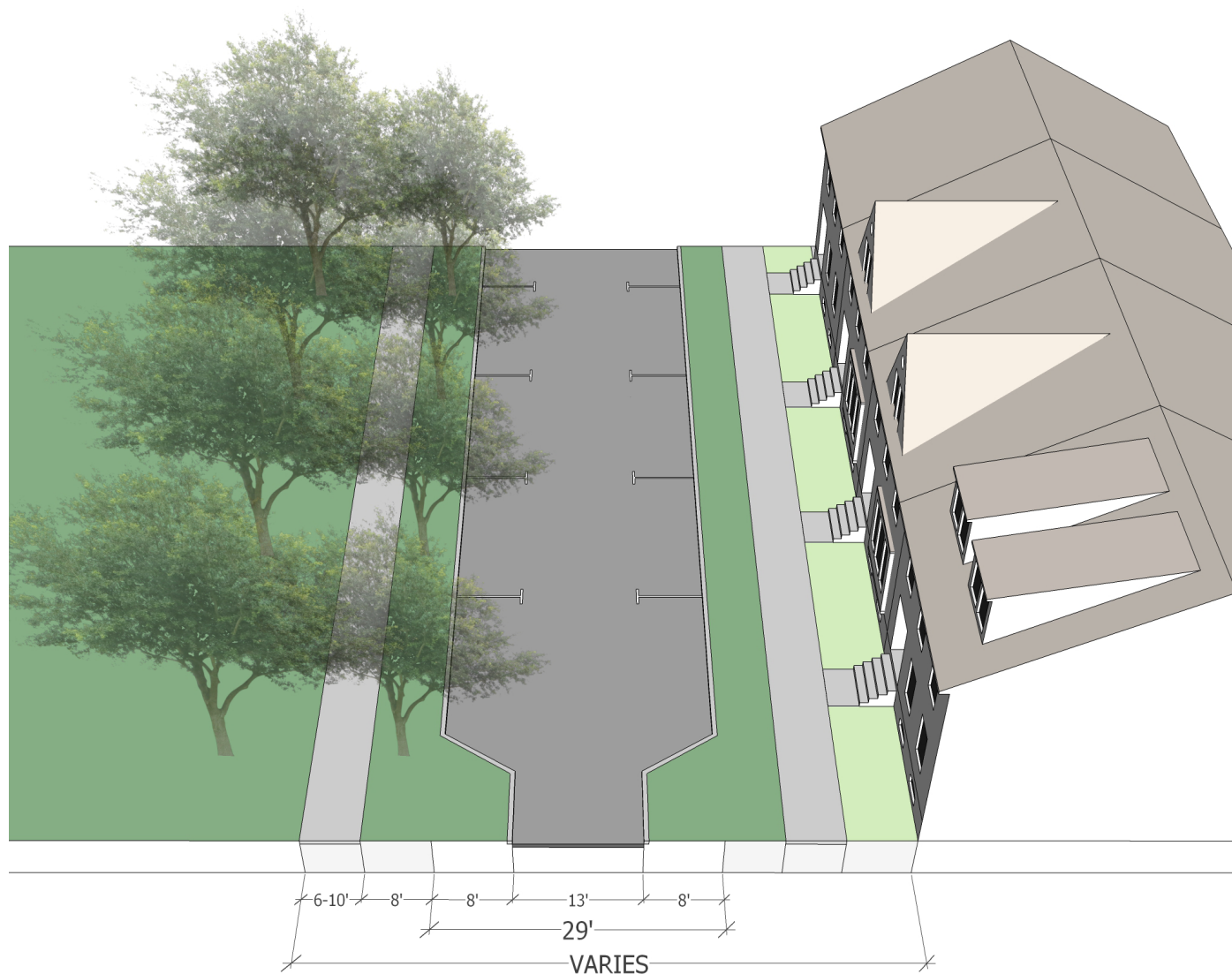
Comparative Pedestrian Crossing Time: 3.5 sec.

The 13' width is recommended for any one-way single lane streets. The section can expand where the space is available and take additional configurations (maximum 42' ROW). There could be on-street parking on one side and/or alternating between parking lane/TREE LAWN area. STREET TREES are required within 60' of the BLOCK CORNER. Where the ROW (existing as of 2022) is less than 39' and greater than 33', the minimum dimensions above may be reduced to: TREE LAWN 5' 6", CLEAR SIDEWALK 5'.



## Vision Plan for East Frederick

### STREET-SPACE Type ST-13/29



**INTENT, ST-13/29:** For situations with one-way streets around GREENS and SQUARES.  
Comparative Pedestrian Crossing Time: 3.5 sec.

Many GREENS and SQUARES in the EF-FBC district have one-way streets around them. This is part of an overall traffic calming approach for the local streets. It also lessens the pedestrian crossing distance—making these public open spaces more accessible.

## Vision Plan for East Frederick

### STREET-SPACE Type: ST-46/85



**ST-46/85:** For primary through streets in the EF-FBC district.

Comparative Pedestrian Crossing Time: 8.1 sec.

This is a variation on the ST-34/72 street type—with an added left turn lane, used where higher traffic volumes warrant it. The center/left turn lane may be a treed median where intersection spacing allows it. This could be used on portions of the primary through streets such as South Street, East Street, Brickworks Avenue, and portions of East Church Street.— where the extra width is available. The TREE LAWN can be paved between the trees for a wider pedestrian area for retail and commerce areas. Travel lane dimensions are to face-of-curb.

## Vision Plan for East Frederick

### STREET-SPACE Type: ST-38/86PCT



ST-38/86PCT: For primary through streets in the EF-FBC district.

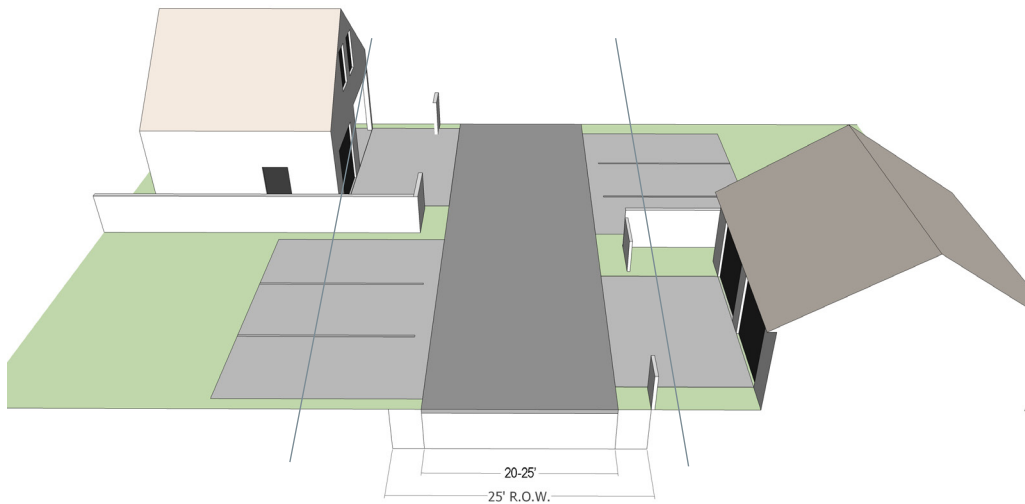
Comparative Pedestrian Crossing Time: 5.9 sec.

This is a variation on the ST-36/72 street—with a Protected Bicycle Track, raised up to sidewalk level, separated from auto traffic and pedestrians. This could be used in the Brickworks area—where the extra width is available. The TREE LAWN can be paved between the trees for a wider pedestrian area for high pedestrian traffic areas. Travel lane dimensions are to face-of-curb.



## Vision Plan for East Frederick:

### COMMON DRIVE Type: CD-20/25



COMMON DRIVE CD-20/25 This provides service and parking access to the rear of lots and the interior of the BLOCKS. Comparative Pedestrian Crossing Times: 5.4 sec. (20' pavement), 6.7 sec. (25' pavement),

A right of way of 25' with a paved travel way of 20' (min) will serve most situations. The COMMON DRIVE ROW is available for utility easements, and its routing geometry through the BLOCK must accommodate DL-23 Vehicle types. COMMON DRIVES are not shown on all BLOCKS in the REGULATING PLAN, but are required to provide rear access for new development.

## Vision Plan for East Frederick:

### STREET-SPACE Type: Mid-Block Pedestrian Crossing



Mid-Block Pedestrian Crossing: Required for all BLOCK faces over 380' in length, this provides for a more frequent safe pedestrian crossing. It also provides a clear area for Emergency Vehicle stagings (specifically Fire Department ladder trucks) to set up in the event of a fire. Street trees (trunk c/l) are not permitted within 22' of the Mid-Block Crossing centerline.

Comparative Pedestrian Crossing Times vary: ST-34/72 = 5.4 sec, ST-13/39 = 3.5sec, ST 46-85 = 8.1 sec.

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## Section 6. Parking and Loading

### A. Intent

1. Promote a “park once” environment within the East Frederick Form-Based Code District that will enable people to conveniently park and access a variety of commercial, residential, and civic places in a pedestrian friendly environment.
2. Reduce uncoordinated and inefficient, *reserved* parking.
3. Increase the use of the more efficient **SHARED PARKING**.
4. Utilize on-street parking.
5. Provide flexibility for redevelopment of small sites.
6. Insure the visibility and accessibility of publicly available parking.
7. Support and encourage a multi-modal, bicycle and pedestrian-friendly and transit supportive environment.

### B. FBC Parking Approach

1. The mid 20th Century approach to parking has proven it doesn't work for urban environments. It makes sense, theoretically, for a pure sub-urban area where every activity requires a car trip—and walking or biking is not a viable choice. For some time now cities and towns across America have applied drastic ‘band-aid’ fixes, ranging from 50% reduction to complete elimination of the parking requirements for their Downtowns.
2. The misfit is made worse by excessive reserved parking minimums. This leaves many spaces empty yet unavailable during peak demand times.
3. Fully **SHARED PARKING** has been shown to be as much as 38% more efficient, (see figure 1) freeing up otherwise unused parking spaces.
4. The FBC-EF parking requirements are tailored to the mixed-use, walkable, urban place envisioned in the East Frederick Vision Plan and the other foundational plans it is based on. The standards emphasize **SHARED PARKING**, while taking a more conservative approach; reserved parking minimums are reduced, not eliminated.
5. Consistent with the FBC's greatly decreased emphasis on use, the parking requirements connect to broader use categories. Appropriate to a city, where uses will change over time and in response to market forces; the connection to extreme subcategories of use is loosened.
6. The FBC-EF approach to parking management has three main aspects.
  - a. Increased percentage of **SHARED PARKING** - for efficiency and;
  - b. Center parking districts, where minimum requirements are reduced by one third - within these centers, the **SHARED PARKING** efficiency gains are more modestly presumed to be 25 - 30%, and further supported by;
  - c. Future City parking facilities, consistent with Frederick's long standing practice, can respond to demand as needed in the growing FBC District. These core parking areas will have the adjacencies and ‘critical mass’ of area necessary for **SHARED PARKING** to work.
  - d. In the future, on-street parking will need to be intelligently managed.

### East Frederick Form-Based Code District: Sections 1 to 8

1. Introduction & Definitions
2. Regulating Plans
3. Building Form Standards
4. Architectural Standards
5. Public Realm Standards
- 6. Parking & Loading**
7. Building Functions
8. Administration

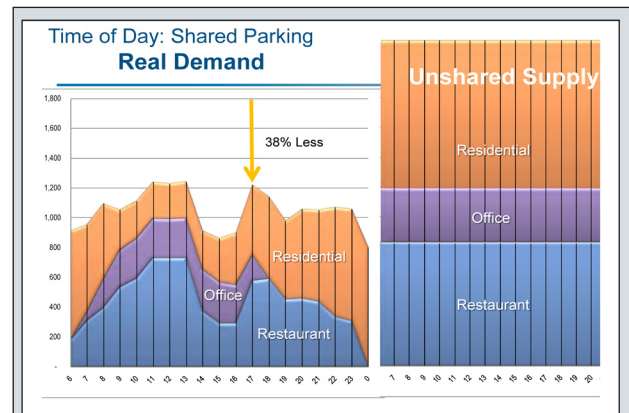


Figure 1. Information Graphic - Parking

*Excessive Reserved Parking requirements result in many spaces sitting empty during peak hours.*

*SHARED PARKING is much more efficient - providing:*

- a. more usable parking spaces, using
- b. less asphalt, and
- c. lowering costs for new buildings.

**C. Parking Requirements**

1. The parking requirements include reserved parking and SHARED PARKING.
2. Reserved Parking. Reserved parking includes all parking that is not SHARED PARKING.
3. SHARED PARKING must be designated by appropriate signage and markings as determined by the Zoning Administrator in consultation with the DRC.
4. There is no minimum parking requirement for the re-use or renovation of an existing structure in which there is no gross floor area expansion.
5. Maximum Parking Requirements
  - a. Maximum surface parking standards do not apply to structured, basement (under/within a building), on-street, or underground parking.
  - b. There are no maximum limits on the amount of SHARED PARKING.

**D. F-BC Core Parking District:**

The F-BC Core Parking District (see Figure 1) is a “park once” environment where the planned intensity and mix of uses will greatly reduce the reliance on automobiles, as more people walk or bike to their destinations. The minimum parking requirements are appropriately reduced.

- a. Minimum automobile parking requirements are reduced by one third.
- b. Parking Maximums remain unchanged.

**E. Bicycle Parking:**

For commercial USES, **one** employee bicycle parking space per 5,000 square feet of commercial floor area and two visitor/customer bicycle parking spaces per 10,000 square feet of commercial floor area. The employee and visitor racks may be co-located.

1. Bicycle parking racks are allowed in the DOORYARD in front of a SHOPFRONT (whether a designated Storefront frontage or an Urban General frontage being used for retail).
2. For RESIDENTIAL uses, the developer must provide **one** tenant bicycle parking space per 5 units and **one** visitor bicycle parking space per 10 units. Projects under 5 units have no requirement.
3. Required minimum tenant or employee bicycle parking may be located within the building (but not within individual units) or in an otherwise secure location on-site.
4. Bicycle parking facilities must be visible to, or

TOTAL RESERVED + SHARED PARKING REQUIREMENTS				
	Residential		Non-Residential	Civic
MIN	≤1Bdr	1.25	≤5KSF = 0	0
	2Bdr	2.25	>5KSF =	
	≥3Bdr	2.75	1.25/1KSF	
RESERVED PARKING REQUIREMENTS				
	Residential		Non-Residential	Civic
MIN	≤1Bdr	0.75	0	0
	2Bdr	1.25		
	≥3Bdr	1.75		
MAX	ROWHOUSE	2	2 per 1KSF (surface Lots) There is no maximum for structured parking	
	≤1Bdr	1		
	≥2Bdr	2		
SHARED PARKING REQUIREMENTS				
	Residential		Non-Residential	Civic
MIN	.5 per Bdr, max 1		≤5KSF = 0	0
			>5KSF = 1.25/1KSF	
MAX	There is no maximum for SHARED parking			

Parking Table. Note that KSF = thousand square feet.



Illustration C.  
Parking in the BLOCK interior

clearly identified for, intended users. Any racks used must meet all the Performance Criteria of the *Association of Pedestrian and Bicycle Professionals* (See the APBP publication *Essentials of Bike Parking*).

5. The bicycle parking facilities must not encroach on the CLEAR SIDEWALK nor may they encroach on any required fire egress.
6. The City may place additional public bicycle parking in a single dedicated on-street parking space (maximum 20' frontage) per BLOCK FACE. See *Illustration A*.

**F. Permissive parking and loading facilities.** Nothing in this code shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

**G. Special Parking Standards, Joint Parking**

When parking is located on abutting sides of two adjacent properties, these parking areas must be connected at the COMMON LOT LINE to create connecting drive aisles. Site configurations existing prior to the adoption of the East Frederick Form-Based Code are exempt from this requirement.

**H. Special Parking Standards, On-Street Parking**

- a. A parking space located on a public street may be included in the calculation of SHARED PARKING requirements if it is adjacent to the building site (where more than 50% of the space is located within the street fronting the development parcel).
- b. Each on-street parking space may only be counted once.

**I. Special Parking Standards, Tandem Parking**

- a. Tandem parking is only allowed for residential uses.
- b. Two parking spaces in tandem must have a combined minimum dimension of 9' in width by 34' in length.
- c. Up to 50% of the total required off-street parking spaces provided may incorporate tandem parking.
- d. Tandem spaces must be assigned to the same dwelling unit. Tandem parking must not be used to provide guest/SHARED PARKING.

**J. Surface Parking Lot Planting.** For any surface parking lot not separated from the STREET-SPACE by a building, the space between the REQUIRED BUILDING LINE and the PARKING SETBACK LINE must be planted with canopy shade trees from the Tree Lists in *Section 5. Public Realm Standards*. Trees must be planted at a distance not to exceed 30' on-center within an area, 4 to 7' behind the REQUIRED BUILDING LINE and STREET WALL. See *Illustration D*.

**K. Achieving parking requirements:**

- a. Parking must be located and configured in compliance with the PARKING SETBACK LINE and other regulations for the site on which it is located, as indicated on the East Frederick Form-Based Code REGULATING PLAN and the BUILDING FORM STANDARD (see *Section 3*).



Illustration A. Consolidated public bicycle parking



Illustration B. Bikeshare and EBike use is encouraged.

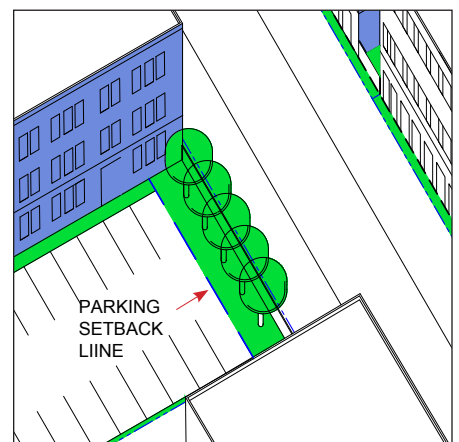


Illustration D. Required STREET WALL and trees where parking is not behind a building.



- b. Required reserved parking spaces may only be approved on-site or on an adjacent parcel or a parcel directly across a COMMON DRIVE from the development it is serving, if that parcel has a long-term agreement acceptable to the Zoning Administrator. Parking Structures controlled by the City and within a 200' walking distance are included.
- c. Minimum SHARED PARKING requirements may be met either on-site or within a 600' walking distance of the development.
- d. Parking structure owners/operators may apply for time or hour of the day restrictions on SHARED PARKING. SHARED PARKING must be accessible to the public between 8am to 11pm weekdays and 11am to 1pm weekends. Any such restrictions are subject to approval by the Zoning Administrator in consultation with the Planning Commission (PC)). The Zoning Administrator may give approval based on a finding that the restrictions meet the standards in C.3 above and does not damage or disrupt the parking needs of any residence or business within a 500' radius.

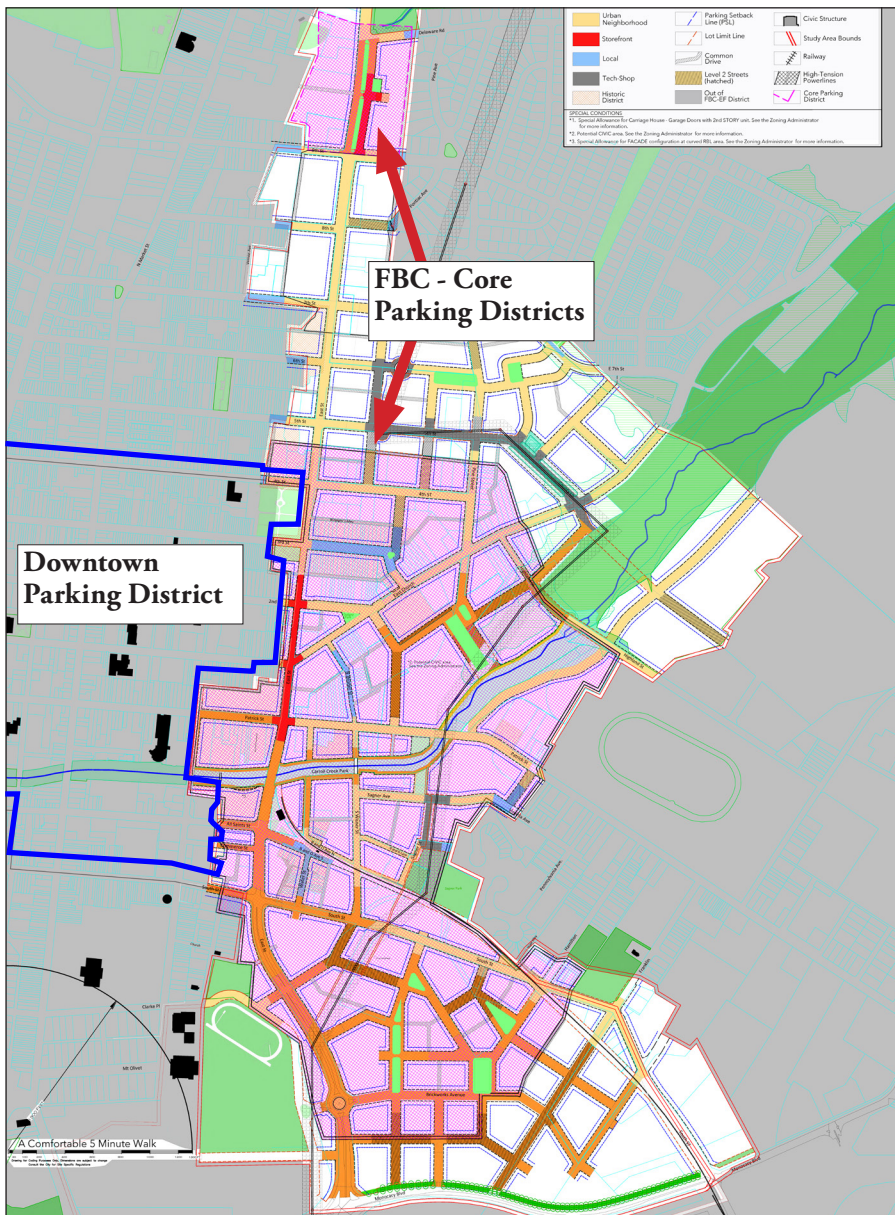


Figure 1. The FBC-EF Core Parking Districts

## L. Loading Facilities

Where loading facilities are provided, they must be located, and accessed from, behind the PARKING SETBACK LINE and the rear and/or COMMON DRIVE side of buildings.



Illustration E.  
*On-street Parallel Parking*



Illustration F  
*Solar Canopy over mid-BLOCK Parking*

## Section 7. Building Functions

### A. Intent

Because the FBC-EF emphasizes form more than use, these standards include fewer, much broader categories than those provided elsewhere in the Frederick Land Management Code. Within the FBC-EF *Form* will be the governing factor.

### B. Uses

Uses are grouped into broad Major Categories. Permitted uses, by BUILDING FORM STANDARD and STORY, are shown in the use table below and defined in *K* at the end of this Section.

1. Uses are defined in **K** below. When in conflict **with other standards**, these standards govern.
2. Permitted uses by BUILDING FORM STANDARD frontage are shown in *Section D. Use Table*, below.
3. **Section 3. BUILDING FORM STANDARDS is primary and may not be compromised to accommodate any conventionally understood physical requirements of a particular use.** All uses must meet the standards of their applicable frontage. Any additional development or performance standards are indicated in the *Section D. Use Table* and provided in *Sections E.-K.* below.

### C. Use Determination

1. Administrator Responsibility: The Zoning Administrator is responsible for categorizing all uses. If a proposed use is not listed in a use category, but can be said to be reasonably similar in intent and fits reasonably into one of the listed use categories, then the Zoning Administrator must treat the proposed use as a permitted use under that category. If a proposed use is not listed in a use category, and is fundamentally different from any other listed use and there is reasonable doubt that it is compatible with the functioning of East Frederick Form-Based Code District, then the use must be prohibited.
2. Uses Not Specifically Listed: When determining whether a proposed use is similar to a use listed in *Section 7*, the Zoning Administrator must consider the following criteria:
  - a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
  - b. The ability of the proposed activity to reasonably function within the constraints of its BUILDING FORM STANDARD.
  - c. The likely impact on surrounding properties.
  - d. The intent of the East Frederick Form-Based Code District.

#### East Frederick Form-Based Code District: Sections 1 to 8

1. Introduction
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- 7. Building Functions**
8. Administration

**D. Use Table**

This table identifies the categories of uses allowed in the GROUND STORY and/or upper STORIES for each BUILDING FORM STANDARD frontage; however, some specific uses may be restricted or prohibited. All uses must comply with all other applicable standards in the East Frederick Form-Based Code. Additional regulations specific to the use/function are referenced in the right-hand column.

		BUILDING FORM STANDARD (BFS)								ADDITIONAL REGULATIONS
		Urban General		Urban Neighborhood		Storefront		Tech-Shop	Local	
MAJOR CATEGORY	Subcategory	Ground STORY	Upper STORIES	Ground STORY	Upper STORIES	Ground STORY	Upper STORIES	All STORIES	All STORIES	For all uses, see E through K, below.
<b>RESIDENTIAL</b>	Household Living	P	P	P	P	X	P	R	P	See Section 7 and 7, E,F, and K
	Group Living	P	P	P	P	X	P	X	P	See Section 7 and 7, E,F, and K
<b>COMMERCIAL</b>	Office	P	P	P	P	X	P	R	R	See Section 7 and 7, E,G, and K
	Vehicle Sales	P	X	P	X	P	X	P	X	See Section 7 and 7, E,G, and K
	Day Care Facilities	P	P	P	P	R	P	X	P	See Section 7 and 7, E,G, and K
	Lodging	P	P	P	P	R	P	X	P	See Section 7 and 7, E,G, and K
	Private Educational Facilities	P	P	P	P	X	P	P	P	See Section 7 and 7, E,G, and K
	Amusement and Recreation	P	X	P	X	R	X	P	X	See Section 7 and 7, E,G, and K
<b>RETAIL</b>	General Sales & Service	P	R	P	R	P	R	X	X	See Section 7, 7, E,G, H, and K
	Restaurant/Bar	P	R	P	R	P	R	X	X	See Section 7, 7, E,G, H, and K
	Banks/Financial Services	P	P	P	P	R	R	X	X	See Section 7, 7, E,G, H, and K
<b>INDUSTRIAL</b>	Maker Space	P	P	P	P	P	P	P	R	See Section 7, 7,E,I, and K.5
	Light Industrial & Manufacturing	P	X	P	X	P	X	P	X	See Section 7, 7,E,I, and K.5
	Research & Development	P	P	P	P	X	P	P	X	See Section 7, 7,E,I, and K.5
	Wholesale/Warehouse/Distribution	P	P	P	P	X	X	P	X	See Section 7, 7,E,I, and K.5
	Gas Station/Auto Repair	X	X	X	X	X	X	P	X	See Section 7, 7,E,I, and K.5
<b>CIVIC</b>		P		P		P		P	P	
<b>Key:</b> P = Permitted R = Additional Regulations Apply X = Not Permitted										



### E. General Development and Performance Standards

The following standards apply to all East Frederick Form-Based Code frontages and use categories.

1. All permitted uses must meet the *Section 3. Building Form Standard General Provisions* and those standards specified in the applicable individual BUILDING FORM STANDARD (BFS) pages.
2. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced. *These are in addition to the nuisances in LMC Article 7, Section 730- Performance Standards and Section 4, Chapter 14, which governs the administration of nuisances.*
3. No CIVIC, commercial, retail, or institutional use is permitted above a residential use.
4. Businesses providing drive-through services may not have a drive-through lane or drive-through service window that abuts or faces a STREET-SPACE.
5. Parking lots and parking structures are required to meet all BUILDING FORM STANDARDS for the frontage sites on which they are located, except as expressly noted.
6. Communication antennas may be installed between 45' and 80' of the RBL on Urban General, Urban Neighborhood, and Shopfront frontage buildings that are at least 3 STORIES, provided that the antenna increases the structure height by no more than 20', subject to receiving an *FBC Certificate*. Associated equipment may be permitted on the roof so long as it is screened from view in accordance with *Part 4. Architectural Standards*. Ground mounted equipment is subject to the standards outlined in *Part 4. Architectural Standards*.

### F. Residential Uses – Development and Performance Standards

1. See the Urban General, Urban Neighborhood, and Local BUILDING FORM STANDARD frontages for configuration requirements for GROUND STORY residential uses fronting the STREET-SPACE.
2. A lobby serving an upper STORY residential use is permitted on the GROUND STORY within the SHOPFRONT space of a Storefront frontage site.
3. Residential dwelling units are not permitted within the required minimum depth for the SHOPFRONT space in a Storefront frontage site.
4. Group Homes and Assisted Group Living uses are subject to all Maryland law and *Section 827 of* the City of Frederick Land Management Code requirements and certifications.

### G. Commercial Uses – Development and Performance Standards

1. Office. Office uses are not permitted within the required minimum depth for the SHOPFRONT space in a Storefront frontage site.
2. Day Care Facility. All day care facilities are subject to all permitting and licensing requirements under Maryland Law and the Frederick Land Management Code.
3. Animal Sales and Service: no outdoor kennels, play, or exercise areas are approved.
4. Vehicle Sales, Gas Station/Vehicle Repair:
  - a. Surface parking lots for vehicle sales, rental, or repair can only be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the East Frederick Form-Based Code District REGULATING PLAN and/or BUILDING FORM STANDARD. (See the REGULATING PLAN and *Section 3*.)
  - b. The PARKING SETBACK LINE does not prohibit new, for sale, vehicles within a SHOPFRONT.
  - c. Gas Station/Vehicle Repair: are subject to the following:

- (i) The property must be at least 100' from any solely residential lot and/or any lot on which a school, outdoor playground, library, or hospital is located;
  - (ii) All mechanical work, or work involving powered tools, must be indoors (no open FENESTRATION), and strictly comply with D above.
  - (iii) Overnight vehicular storage is not approved, unless within an enclosed building or behind the PARKING SETBACK LINE and a masonry PRIVACY FENCE;
  - (iv) Discarded and replacement vehicle parts and accessories must be stored within an enclosed building or behind the PARKING SETBACK LINE and a masonry PRIVACY FENCE.
  - (v) Upon the abandonment of a gas station, the use shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property.
  - (vi) All frontages *except the Tech-Shop frontage*:
    - (1) The use may not include the display and rental of cargo trailers, trucks, or similar uses;
    - (2) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.
  - d. Electric Vehicle charging stations are not considered "Gas Stations" in this code, and are permitted in all frontages and encouraged in BLOCK interior parking areas.
5. Lodging
- a. GROUND STORY guest rooms are not permitted within the required minimum SHOPFRONT depth in a Storefront frontage site.
  - b. GROUND STORY guest rooms abutting any REQUIRED BUILDING LINE (or street frontage) must meet the configuration standards for GROUND STORY residential uses as specified in the BFS.
  - c. A lobby serving an upper STORY overnight lodging use is permitted on the GROUND STORY of any Storefront frontage site.
6. Office
- Office uses are not permitted within the required minimum depth for the SHOPFRONT space in a Storefront frontage site.
7. Day Care Facility
- All day care facilities are subject to all permitting and licensing requirements under Maryland Law and the Frederick Land Management Codes.

## H. Retail Sales and Services

- 1. No merchandise (including motorcycles, scooters, and automobiles) may be left within the DOORYARD when the business is not open.
- 2. Maker-Space production/preparation functions may not occupy more than 1/3rd of the required minimum SHOPFRONT space of a Storefront frontage (*see Section 3 Building Form Standards, 3.4 Storefront frontage*).
- 3. Banks/Financial Services. Only Retail banking services with a street frontage of less than 12' are permitted within the required minimum depth for the SHOPFRONT space in a Storefront frontage site.
- 4. Amusement and Recreation, Commercial Assembly
  - a. Only Indoor Amusement uses are approved.
  - b. Theater, Auditorium, and Arena uses must meet the GROUND STORY FENESTRATION requirements of the applicable BUILDING FORM STANDARD, but are exempt from the upper STORY FENESTRATION requirements.
  - c. The lobby serving a Commercial Assembly or Indoor Amusement and Recreation use is permitted in the SHOPFRONT area of a Storefront frontage.

### 5. Restaurant

- a. A restaurant use is permitted in the second STORY of a Storefront, Urban General, or Urban Neighborhood frontage site provided it is an extension of the same restaurant and the second STORY floor area is equal to or less than the GROUND STORY floor area of the same use.
- b. Outdoor areas for eating and drinking are allowed on the DOORYARD and on the lot<sup>1</sup> in Urban General, Urban Neighborhood, and Storefront frontages, but not in the CLEAR SIDEWALK area and subject to the issuance of all applicable permits and licensing.
- c. Outdoor areas for eating and drinking are allowed on the TREE LAWN in Urban General, urban Neighborhood, and Storefront frontages, subject to:
  - (i) provision of tree-appropriate permeable paving, silva cell installation, or bridged slab construction; and
  - (ii) a joint use of ROW agreement with the City.
- d. Establishments with live entertainment are prohibited if the walls of the facility are within 200' of a Local frontage site within East Frederick Form-Based Code District or a residentially zoned property which is outside of the East Frederick Form-Based Code District.
- e. The sale and consumption of cereal malt beverages and alcoholic liquor shall be subject to City and State liquor licensing requirements.
- f. No merchandise may be left within the STREET-SPACE when the business is not open.

### I. Civic and Institutional Uses – Development and Performance Standards

CIVIC BUILDINGS (as defined in *Section 1. Definitions*) are not subject to *Section 4. Architectural Standards* or *Section 3. Building Form Standards*, except for *Section 3.1.F. Neighborhood Manners*.

### J. Bonus Story for Affordable Housing – Development and Performance Standards (*see Section 3 Building Form Standards 3.1.B.8*)

1. The criteria for Affordable Housing, tenant eligibility, and duration, are per Chapter 19 of the Code of the City of Frederick, Affordable Housing, excepting that:
  - a. There is no fee-in-lieu option,
  - b. Section 19.3 (a). The Bonus Height is available for any building with a residential component,
  - c. Section 19.6 (a). The MPDU agreement is a FBC Bonus Height agreement listing the appropriate Square Feet provided and its location in the building,
  - d. Section 19.6 (b). The requirement is for an area, not a number of units,
  - e. Section 19.6 (d) Staging Plans. Most agreements will be on a building by building basis.
  - f. Section 19.7. The bonus is for STORY height, not density. One additional STORY will be allowed so long as the MPDU required units are provided in the same building.

### K. Use Definitions

1. **Commercial:** Any activity involving the purchase, sale, storage, or other transaction regarding the disposition of any article, substance, commodity, or services for consideration and profit; and the maintenance or conduct of offices, professions, dwelling rooms and units, or recreational or amusement enterprises conducted for profit.
2. **Civic Use:** Uses per NAICS, excepting solid waste and hazardous waste management facilities. *Note that the Form-Based Code regulations/standards are determined by the definition of CIVIC BUILDINGS in this code, with this use definition being tertiary, see Section 1.G.*
3. **Industrial:** Businesses involved in activities such as manufacturing or processing of products by automated, digital, mechanical, or manual means; warehousing and storage; waste disposal; transportation and logistics;

<sup>1</sup> Note of intent: this would be behind the RBL and behind the required STREET WALL, within the % RBL build-out that is not required, or deeper in the lot behind or within the building.



research and development; and related technical engineering and distribution functions. (See also Manufacturing-Light, Office-Technical, Research and Development Facility, Food and Beverage Processing, etc.)

4. **Institutions:** Public and private uses including, but not limited to, colleges, universities, hospitals, churches and membership clubs.
5. **Maker Spaces:** An establishment, not exceeding 3,000 square feet of floor area, for activities and processes such as small-scale fabrication, welding, and coating, preparation, display, and sale of individually crafted items such as jewelry, furniture, sculpture, pottery, leather-craft, hand made articles, **alcohol**, and related items. This includes uses that are typically not permitted in non-industrial zoning districts.
6. **Light Manufacturing:** The manufacturing of finished products or parts from previously prepared materials using hand tools, mechanical tools, and electronic tools, including processing, fabrication, assembly, treatment, and packaging of products, as well as incidental storage, sales, and distribution of such products; as well as shops for overhaul and repair including for plumbing, HVAC, electrical, and **automobiles**. A light manufacturing use may include a show room and/or offer public tours that are incorporated into the facility's ordinary operations.
7. **Office:** A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.
8. **Performing Arts Center/Theatre:** An establishment primarily used for performing arts performances which may include permanent seating.
9. **Residential:** Regularly used by its occupants as a permanent abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.
10. **Restaurant:** Any food service establishment subject to Maryland Health Regulations where food and beverages are prepared and served for consumption primarily on premises; and where the service of alcoholic beverages is incidental to the consumption of food (less than **fourty percent (40%)** of the gross sales receipts from the business).
11. **Retail:** The selling of goods, wares, or merchandise directly to the consumer.
12. **Warehouse:** A building used for the storage of goods or materials. Warehouses may include the local, regional, national or international distribution of goods but do not include retail sale of goods.
13. **Warehouse, Retail:** A building used for the sale of goods, in bulk or as individual retail items, to the general public or to a membership.
14. **Wholesale Sales:** The selling and/or distributing of merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
15. **Worship, Place of:** A building, structure, or defined space used for religious devotion, including but not limited to churches, synagogues, and mosques.

## Section 8. Administration, Application Process & Appeals

### A. Applicability

All development proposals within a Form-Based Code District are subject to the provisions of this Code and are required to obtain an FBC Certificate. The FBC Certificate demonstrates conformance with the Form-Based Code only. See *Sections 301, 1119, 309 [ & other re: Improvement Plans and Building Permits, TBD ]* for process and submission requirements for development applications in the East Frederick Form-Based Code District.

### The Application and Review Process for the FBC Certificate

Applications for an FBC Certificate are evaluated against the Code's objective standards. This checklist-based process starts during Site Plan review (which focuses on conformance with the Regulating Plan and the Building Form Standards' Placement rules) and continues during the *X\_\_\_\_\_ and Y\_\_\_\_\_ review processes* (which focus on conformity with all standards of the Form-Based Code).

### B. FBC Certificate

An application for approval of an FBC Certificate, demonstrating conformity with the provisions contained in this Code and the REGULATING PLAN must be submitted to the Zoning Administrator.

Projects that seek to deviate from the REGULATION PLAN or other FBC standards, beyond the adjustments listed in *Section 3.D Building Form Standards, Frontage Designation Flexibility*), below in *D. Administrative Adjustments*, or *E. Administrative Modifications to the REGULATING PLAN*, may re-apply or apply for a variance.

### C. Effect of FBC Certificate Issuance and Certificate of Occupancy Requirement

#### 1. FBC Certificate Amendment

After the Zoning Administrator has issued an FBC Certificate, any change in the Development Proposal from the plans submitted to the Zoning Administrator, other than those approved under *D. Post-FBC Certificate Administrative Adjustments*, will require a resubmittal or will be considered to be a variance and shall be subject to the procedures outlined in *Section 313, Variances* of the Frederick Land Management Code.

#### 2. FBC Certificate Expiration and Renewal

The FBC Certificate is subject to the same standards related to expiration and renewal as other approvals outlined in *Section 309 of the Frederick Land Management Code*.

### D. Post-FBC Certificate Administrative Adjustments

#### 1. Purpose and Intent

The purpose and intent of this section is to provide an administrative mechanism for allowing limited and specific adjustments to certain requirements of the Form-Based Code District. These adjustments are intended to provide relief for minor construction/survey issues; they are not intended for designed or intentional deviations from the FBC, unlike those governed by *Section G*. This optional process occurs only where an applicant requests an Administrative Adjustment to a standard specified below.

#### 2. Administrative Adjustment Application and Review Procedure

a. An application for approval of an Administrative Adjustment shall include:

- (i) A brief narrative describing the Administrative Adjustment sought, including the specific issue that the Administrative Adjustment is intended to address, describing the construction error or unanticipated site contingency leading to the request, and how the Administrative Adjustment will resolve that issue.

#### East Frederick Form-Based Code

##### District: *Sections 1 to 8*

1. Introduction & Definitions
2. Regulating Plans
3. Building Form Standards
4. Architectural Standards
5. Public Realm Standards
6. Parking & Loading
7. Building Functions

##### 8. Administration

- (ii) A completed FBC-EF Review Checklist, demonstrating that the adjustment sought is limited to the standards set forth below (this checklist may be abbreviated to only the specific Administrative Adjustment(s) sought); and
    - (iii) Any other documents and/or materials required by the Zoning Administrator to determine that the adjustment sought is limited to the standards set forth below.
  - b. The Zoning Administrator may review an Administrative Adjustment application only after a FBC Certificate application has been approved for the subject development. The Zoning Administrator may seek assistance from the DRC in making a determination under this Section.
  - c. Within thirty (30) days of receipt of a complete application, the Zoning Administrator shall review the application in accordance with the Administrative Adjustment Standards below, and take one of the following actions:
    - (i) Approve the application as submitted; or
    - (ii) Deny the application.
3. Administrative Adjustment Standards
- The Zoning Administrator is authorized to approve Administrative Adjustment applications in strict conformance with the following standards only:
- a. Height
    - (i) Minimum and maximum height – up to five percent (5%) for any cumulative increase or decrease in building height. This applies to the parameters in feet—not in STORY height.
    - (ii) STREET WALL/fence requirements – up to ten percent (10%).
    - (iii) Finished floor elevation – up to five percent (5%).
  - b. Placement
    - (i) REQUIRED BUILDING LINE – move up to twelve (12”) inches (but not into the public ROW).
    - (ii) REQUIRED BUILDING LINE minimum percentage build-to – reduction of up to five percent (5%) of required length.
    - (iii) PARKING SETBACK LINE – move forward up to 4’.
    - (iv) Mezzanine floor area – up to ten percent (10%) additional area.
    - (v) STREET WALL requirements – up to ten percent (10%) of the height/FENESTRATION/access gate requirements.
    - (vi) Entrances (maximum average spacing) – up to ten percent (10%) increase in spacing.
  - c. Elements
    - (i) FENESTRATION (minimum and maximum percent) – up to five percent (5%).
    - (ii) Elements (minimum and maximum projections) – up to five percent (5%).
  - d. Architectural Standards
    - (i) Primary and Secondary materials – up to five percent (5%).
    - (ii) Window and pane dimensions – up to ten percent (10%).
    - (iii) SHOPFRONT entry geometry – up to ten percent (10%).

#### **E. Administrative Modifications to the REGULATING PLAN**

Minor reconfigurations to the REGULATING PLAN may be allowed by the Zoning Administrator, after consultation with the DRC, without triggering a code amendment, under the follow conditions and subject to the following standards:

1. Modifications to the frontage designation shown on the REGULATING PLAN are allowed within the parameters of *Section 3. Building Form Standards, D.5 Frontage Designation Flexibility*.
2. Reconfigurations of the street alignments shown on the REGULATING PLAN may be allowed, subject to the design standards in Section 2. *Regulating Plan, B.3*.
3. COMMON DRIVE location and routing—must be in conformance with Section 2. *Regulating Plan, D*.



4. Addition of Historic Structures under *H.4. as CIVIC BUILDINGS*.
5. REQUIRED BUILDING LINE location on specific lots may be modified under the following conditions and subject to the following standards:
  - a. Conditions.
    - (i) The REQUIRED BUILDING LINE location, and the location of its related State Highway, prevent conformance with the standards in *Section 5. Public Realm Standards*.
    - (ii) The presence of the 100-year floodplain, stream corridor, steep slopes in excess of 30% grade, or Class II wetlands effectively prohibits development on the REQUIRED BUILDING LINE as identified on the REGULATING PLAN.
  - b. Standards.
    - (i) The REQUIRED BUILDING LINE may be adjusted only to the extent that it allows the applicant to fully accommodate all bicycle and pedestrian infrastructure required by *Section 5. Public Realm Standards*. All other regulatory elements measured from the REQUIRED BUILDING LINE (e.g. PARKING SETBACK LINE) shall move with any adjustments to the REQUIRED BUILDING LINE.
    - (ii) The Zoning Administrator, based on the recommendation of the DRC, may require phased installation of street elements (as required in *Section 5. Public Realm Standards*) in order to coordinate with municipal infrastructure projects identified in the Frederick Capital Improvement Program and Budget and/or anticipated private infrastructure construction projects.
4. The Zoning Administrator will maintain a catalogue of all approved modifications. These modifications may be incorporated into the REGULATING PLAN during the next code amendment.

## F. Amendments to the Form-Based Code

1. Text Amendments
 

Any proposed change to the Code text will be considered a text amendment to the Frederick Land Management Code and shall be subject to the procedures in Section 306, Text Amendments and Zoning Map Amendments.
2. Regulating Plan Amendments
 

Any other proposed change to the REGULATING PLAN will be considered a rezoning and shall be subject to the procedures in Section 306, Text Amendments and Zoning Map Amendments. In addition to required statutory notice provisions, notification must be made directly, via mail or email, to all landowners of properties within 400' of the proposed change. All code amendment must be in conformance with the 2022 East Frederick FBC Vision Plan and the City of Frederick 2020 Comprehensive Plan.

In addition, any amendment to the REGULATING PLAN, excepting those listed under *E. Administrative Modifications to the Regulating Plan*, must conform to the following requirements.

  - a. Application, *Section 3 Building Form Standards* (BFS).
 

In determining the allocation and, thereby, the form and mixed-use character of the district, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses. When amending a REGULATING PLAN, the standards of *Section 2* apply.
  - b. Amending Regulating Plans
    - (i) The intent of these rules is the maintenance and protection of the interconnected and walkable network of streets, BLOCKS, and public open spaces.
    - (ii) Where the REGULATING PLAN street and BLOCK configuration is being amended, the following standards apply:
      - (1.) No BLOCK FACE shall have a length greater than 480'; and
      - (2.) The average perimeter of the BLOCKS within the re-developed area shall not exceed 1,500'.
    - (iii) Street Connectivity

- (1.) Any proposals to reconfigure the street network in the REGULATING PLAN shall be configured such that:
  - Street connectivity is maintained; cul-de-sacs and other dead-end streets are not approved except as specified here; and
  - No street intersection occurs within 150' of another street intersection; and
  - The BLOCK configuration meets the standards defined in Section I.b. above.
- (2.) Streets that do not connect to other streets, as part of an interconnected network, are not approved except:
  - Where configured with a one-way loop around the perimeter of a green area, having a maximum depth (perpendicular to the street centerline) of 100' and a minimum width (dimension parallel to the primary street) of 75' (see Diagram E);
  - Where less than 130' long and configured as a stub-out designed for connection to future streets/development (see Diagram F);
  - Where less than 130' long and connected to an COMMON DRIVE, providing rear lot access, and ending at designated conservation lands. (see Diagram G).

(vi) Application Requirements

All parties applying for a Regulating Plan Amendment shall submit an engineered plan set displaying the proposed changes to the Regulating Plan and a rezoning application as per Section 306 of the Frederick Land Management Code. Upon receipt of a complete application, the Mayor and Board of Aldermen shall consider the proposed changes and make a decision about whether or not to complete a code amendment within 90 days of receipt. The City reserves the right to reject any requests it considers having been decided in an earlier application that involve substantially or materially the same facts.

### G. Variances

Any person seeking a variance from the provisions of the FBC shall follow the variance procedures outlined in *Section 313, Variances* of the Frederick Land Management Code.

### H. Non-Conformities

The standards below determine the level at which a change in a property and/or business triggers a specific level of compliance with the FBC-EF. These

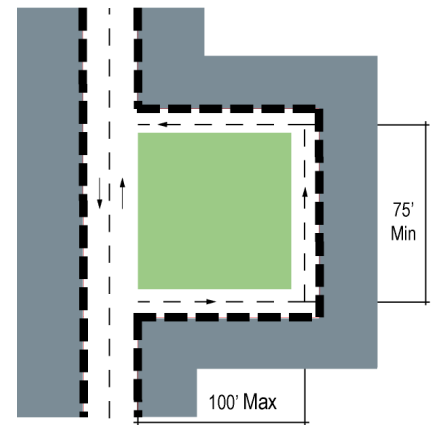


Diagram E.

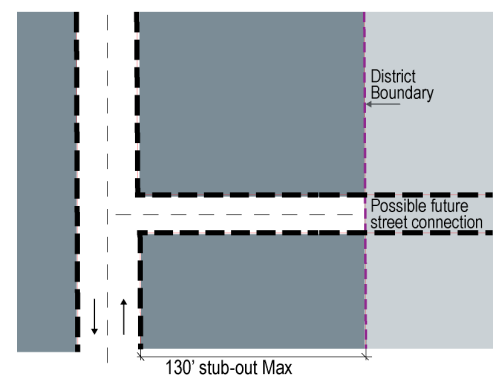


Diagram F.

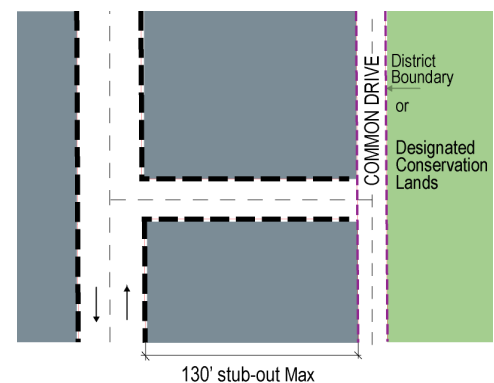


Diagram G.

standards take precedence over the non-conforming standards in *LMC Article 9 Nonconforming uses, vested rights and scope of approvals*. Non-conforming structures within the East Frederick Form-Based Code District may be altered or repaired according to the following standards:

1. Non-Conforming Structures:

- a. Additions or new structures of up to 20% of the square footage of a non-conforming structure (existing as of the adoption of the East Frederick Form-Based Code) may be made, subject to conformance with *Section 4. Architectural Standards* of the East Frederick Form-Based Code District, **relative to the new addition only**.
- b. Additions or new structures greater than 20% but equal to or less than 50% of the square footage of a non-conforming structure may be made subject to conformance with *Section 4. Architectural Standards* and *Section 3. Building Form Standards* **relative to the new addition only**.
- c. The above, a and b are one time thresholds. Incremental additions/expansions will be added together, measured against the original/pre FBC adoption square footage.
- d. Additions or new structures greater than 50% of the square footage of a non-conforming structure require full compliance with the East Frederick Form-Based Code District.
- e. Existing structures destroyed by fire, explosion, act of God, or the public enemy may be replaced with a structure of comparable height and gross floor area that otherwise meets the requirements of the code.

2. Non-conforming Uses:

- a. A non-conforming use may be extended throughout any portion of a completed building that, when the use was made non-conforming by this Code, was manifestly designed or arranged to accommodate such use. Any “drive-through” uses, including those for banks, may not be extended.
- b. A non-conforming use may not be extended to additional buildings or to land outside the original building.

3. Non-Conforming Signs

- a. A non-conforming sign on an existing structure may be replaced with a sign of equal or smaller size that otherwise meets the requirements of the code.
- b. A non-conforming sign on an existing structure that is undergoing an addition greater than 50% of the square footage of the existing structure shall be replaced with a conforming sign.

4. Historic Structures

Historically-designated structures may be specified as a CIVIC BUILDING **by a vote of the Planning Commission and Board of Aldermen** if they effectively serve the community as CIVIC BUILDINGS. If so designated, they may be added to the REGULATING PLAN through the process in *E. Administrative Modifications to the Regulating Plan*.

## I. Severability.

If any provision of the East Frederick Form-Based Code District or the application of the East Frederick Form-Based Code in specific circumstances is held invalid by any court, the remainder of the East Frederick Form-Based Code District and/or its application in other circumstances will be unaffected.



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